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FEDERAL REGULATORY PLAN

1997

A guide to
planned regulatory
initiatives

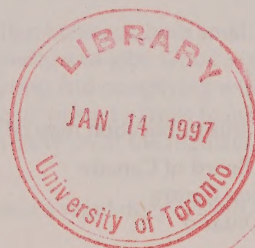


Message from the President of the Treasury Board

FEDERAL REGULATORY PLAN

1997

**A guide to
planned regulatory
initiatives**



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Message from the President of the Treasury Board

The 1997 *Federal Regulatory Plan* brings together all the regulatory proposals of federal departments and agencies for the coming year.

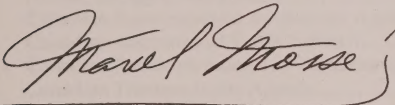
Why does the federal government regulate? Regulations protect Canadians in many ways. They set levels of health, safety and environmental quality in the workplace, at home, and elsewhere. They also ensure the economy works efficiently and fairly for all.

But regulations impose costs in society, just as they protect and advance its goals. The challenge is to strike the right balance. Regulations can become outdated as a result of advances in technology or new information about what practices are cost effective or many other reasons.

Consequently, the federal government is working hard to modernize and streamline regulations. We are seeking ways to continue achieving our regulatory goals, but at less cost to taxpayers and to citizens at large. Sometimes this means making regulations simpler to comply with or more understandable. Sometimes it means using alternatives to regulations, such as voluntary standards, where these provide better solutions to a problem. And sometimes it means just eliminating outdated requirements and reducing unnecessary paper burden. This year for instance, one regulation will deliver a simplified trademark registration process, which will halve the interval between submission and approval. In this Plan you will find many other examples of this modernization.

Sound regulation is vital to creating an environment for Canadian business, both small and large, that will lead to a dynamic and growing economy, prosperity and jobs. Good regulation relies on public involvement for its effectiveness, both in preparing and complying with regulations. The Plan promotes public participation by alerting interested parties to initiatives that might affect them. They then can make their views known early on in the regulatory process.

I encourage you to use this Plan and to help us make sure Canada's regulatory system works efficiently and effectively to the benefit of all Canadians.

A handwritten signature in dark ink, reading "Marcel Massé", with a horizontal line underneath it.

Marcel Massé

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About the 1997 Plan

The *Federal Regulatory Plan* is an annual listing of the government's anticipated regulatory activity for the coming year. Providing this advanced notice gives interested groups and individuals the opportunity to participate at an early stage in the development of regulations that may affect them.

Components

The 1997 Plan has the following parts:

- 1) an introduction consisting of the message from the President of the Treasury Board and other material that may be of interest to readers. For example, you will find a list of high cost initiatives under "major initiatives."
- 2) departmental submissions divided in four sections:
 - **Regulatory approach:** This section carries messages from many departments and agencies about their regulatory reform philosophy, regulatory priorities and key policy directions.
 - **General information:** Departments and agencies list their roles and responsibilities, and relevant statutes under the jurisdiction of the department. Also, some departments enter into arrangements to assume responsibility for legislation that is officially under the jurisdiction of another minister. For example, Health Canada is responsible for certain parts of the *Indian Act*.
 - **Initiatives for 1997:** This section includes regulatory initiatives that departments and agencies expect to submit for legal examination, prepublication or final approval during 1997.

The *Federal Regulatory Plan* defines regulatory initiatives as:

- proposed Statutory Orders and Regulations (SORs) that fall within the definition in section 2 of the *Statutory Instruments Act* and are made under the authority of the Governor in Council, minister or other regulatory authority;
- orders delegating authority by the Governor in Council to ministers under paragraph 19(1)(b) of the *Financial Administration Act* to prescribe fees;
- statutory instruments (SI) that do not fall under section 2 of the *Statutory Instruments Act* but that are likely to have a significant regulatory effect; and
- mandatory standards found in departmental documents and referred to in regulations.

Each initiative has its unique number to track regulatory initiatives from start to finish. The numbering sequence is explained on page *iii*.

Departments and agencies list what is planned and why it is necessary, including a brief description of benefits and costs and the alternatives considered, and how the

department and agency will consult, perhaps by stating that they are thinking of using the Business Impact Test.

Under "legal authority," they indicate the relevant authority and, if applicable, the section of the legislation. Finally, they give the name of a person who is well informed about the regulatory initiative and able to discuss it with interested parties; and

- **Future initiatives:** This section provides information on proposed regulatory initiatives on which departments and agencies have already started working but which are scheduled for implementation after 1997. Departments and agencies briefly state the problem that may require a regulatory solution and the department's objectives. It includes a description of alternatives, both regulatory and non-regulatory, that were or are being considered and of how they will consult. Initiatives are also classified according to the classification scheme explained on page *iv*. Departments also give the name of a person who is well informed about the regulatory initiative;

- 3) **Progress report:** It reports the status of regulatory initiatives appearing in each departmental section entitled "Initiatives for 1996" of the 1996 *Federal Regulatory Plan*.

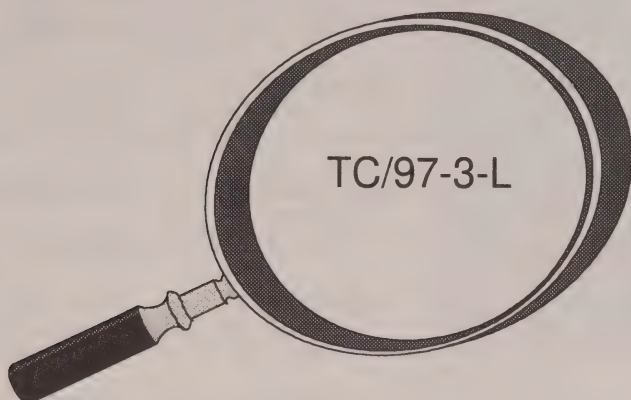
Feedback

We are constantly striving to make the Plan more informative and user friendly. We welcome your comments. Please contact us at:

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What do the numbers and letters mean?



The numbering sequence is a four-part descriptive code, using the example above :

TC: The first level of the numbering sequence represents the abbreviation of the department or agency responsible for the initiative, e.g., TC for Transport Canada.

97: The second level indicates the year:

- a 1997 initiative is shown with a 97;
- a carry-over initiative keeps its original number;
- a recurring initiative is one that for one reason or another appears every year. It is shown with an R.

3: The third level represents an initiative number assigned by the department.

- 1997 initiatives are numbered in ascending order, starting at "1";
- recurring and carry-over initiatives keep their original numbers.

L: For the purposes of the *Federal Regulatory Plan*, initiatives are classified according to anticipated costs to Canada and degree of acceptance. The classification scheme (see the table on the next page) represents the category under which the initiative falls, either low-cost initiative (L), intermediate-cost initiative (I) or major initiative (M).

The following table summarizes the classification scheme.

ANTICIPATED COST	DEGREE OF ACCEPTANCE	
	HIGH	LOW
< \$100,000	low-cost initiative	low-cost initiative
\$100,000 to \$50 million	intermediate-cost initiative	major initiative
> \$50 million	major initiative	major initiative

Departments and agencies calculated “present value” by applying a discount rate to the cost estimates for each year. While a bit arbitrary, this approach suffices for most initiatives.

- if the initiative has a present value of less than \$100,000, it is classified as a **low-cost initiative (L)**, regardless of whether the degree of acceptance is high or low;
- if it has a present value of costs between \$100,000 and \$50 million and a high degree of acceptance, it is classified as a **intermediate-cost initiative (I)**; and
- if it has a present value of costs between \$100,000 and \$50 million and a low degree of acceptance, or a present value of costs greater than \$50 million, it is classified as a **major initiative (M)**.

An example

Contemplated changes to sport fishing regulations would shorten the season and reduce the allowable catch in order to preserve fish stocks.

Step 1 (cost estimate): Suppose that the change meant that each person who fished took one less fish each year. Each fish has a market value of about \$5; 400,000 licences are sold each year. Ignoring the satisfaction of the fishing experience, a quick estimate of the cost of the change would be 400,000 times \$5 = \$2 million per year. The estimated cost over 11 years would be \$22 million. This is equal to the present value of future costs in all years, discounted at 10%.

Step 2 (acceptance): Acceptance is probably quite high since fishing people are aware that fish stocks are declining.

Step 3 (categorize): The initiative should be classified as intermediate-cost.

Major initiatives

For the purposes of the *Federal Regulatory Plan*, an initiative is classified as major if it has

- a present value of costs between \$100,000 and \$50 million and a low degree of acceptance, or
- a present value of costs greater than \$50 million.

Below is a list of the major initiatives that departments and agencies plan for 1997 and subsequent years.

Initiatives for 1997

Health, safety, environment and transportation

EC/97-8-M

Trichloroethylene and Tetrachloroethylene Regulations (In solvent Degreasing Operations)

EC/96-4-M

Alice Arm Tailings Deposit Regulations (Revocation)

EC/96-9-M

Cleaner Gasoline Regulations

F&O/96-1-M

Fisheries Act

HCan/97-1-M

Food and Drug Regulations - Establishment Licensing Framework

HCan/96-18-M

Medical Devices Regulations (Renewal)

NRCan/94-43-M

Energy Efficiency Performance Levels (Amendment No. 3)

NRCan/96-1-M

Energy Efficiency Performance Levels - Electric Motor (Amendments)

NTA/96-1-M

Air Transportation Regulations - Air Fares in Large Aircraft for Attendants of Persons with Disabilities

TC/96-12-M

Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Antilock Brake Systems)

Fees

Agr/97-3-M

Cost-sharing Arrangements

CIC/R-1-M

Citizenship Regulations, 1993 (Cost Recovery)

CIC/R-2-M

Immigration Act Fees Regulations

HCan/96-3-M

Cosmetic Program Fees

HCan/96-4-M

Marketed New Drugs Fees (Changes)

HCan/97-12-M

Drug Programme (Cost Recovery)

HCan/96-1-M

Establishment Licences Fees

HCan/96-38-M

Pest Control Products Regulations (Cost Recovery)

HCan/97-13-M

Medical Devices Program (Cost Recovery - Phase II)

F&O/97-4-M

Marine Navigation Services Fees Regulations

F&O/97-5-M

Icebreaking Services Fees Regulations

OCEO/R-1-M

Tariffs of Fees

TC/R-3-M

Aviation Regulatory Services (Fees)

TC/R-4-M

Marine Regulatory Services (Fees)

TC/R-5-M

Air Services Charges Regulations and Overflight Charges Regulations

Tax changes

Fin/R-4-M

Tariff Treatment - Rules of Origin

Fin/93-7-M

Income Tax Regulations - Resource Allowance

Fin/92-33-M

Income Tax Regulations - Life Insurance Companies and their Products

Fin/95-31-M

Income Tax Regulations - 1994 Budget

Fin/95-32-M

Income Tax Regulations - Income Tax - Technical Amendments - 1993

Fin/96-31-M

Income Tax Regulations - 1996 Budget

Fin/97-7-M

GST Regulations - Harmonization Measures

Fin/R-35-M

Federal-Provincial Fiscal Arrangements Regulations

Social programs

Fin/96-36-M

Canada Health and Social Transfer Regulations

HRDC/97-3-M

Employment Insurance Regulations - Returning the employees' portion of the employer's premium reduction

International

FAIT/96-5-M

Regulations to Implement the Free Trade Agreement between Canada and Chile

FAIT/96-4-M

Regulations to Implement the Free Trade Agreement between Canada and Israel

Fin/R-6-M

World Trade Organization Agreement and Other Trade Agreements

Immigration

CIC/95-3-M

Immigration Regulations, 1978 - Business Immigrant Classes

CIC/95-12-M

Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions

Miscellaneous

CEAA/97-6-M

Aboriginal Reserve Lands/Indian Band Funding

CEAA/97-7-M

Crown Corporations

IAND/94-12-M

Yukon Placer Mining Act, Yukon Quartz Mining Act - Mining Land Use

CRTC/97-2-M

Broadcast Distribution Regulations

Future initiatives

Health, safety, environment and transportation

Cleaner Gasoline Regulations

Ozone-Depleting Substances Regulations - Methyl Bromide

Energy Efficiency Performance Levels (Various)

Drinking Water Materials Safety Act (New Legislation)

International

Canada-Chile Free Trade Agreement

Canada-Israel Free Trade Agreement

North American Free Trade Agreement (NAFTA) - Accession of Chile

Tax changes

Quarterly Remitting for Small Businesses

Income Tax - Business Re-engineering

Tariff Simplification - Regulations

Miscellaneous

Yukon Quartz Mining Act - Minesite Reclamation

Special Assessment, Recovery of expenses incurred in respect of Confederation Life Insurance Company

Regulatory Policy

Requirements

When regulating, regulatory authorities must demonstrate that:

1. A problem or risk exists, federal government intervention is justified, and regulation is the best alternative.
2. Canadians are being consulted, and have an opportunity to participate in developing or modifying regulations and regulatory programs.
3. The benefits outweigh the costs to Canadians, their governments and businesses. In particular, when managing risks on behalf of Canadians, the limited resources available to government are used where they do the most good.
4. Adverse impacts on the capacity of the economy to generate wealth and employment are minimized and no unnecessary regulatory burden is imposed. In particular:
 - information and administrative requirements are limited to what is necessary and impose the least possible cost;
 - special circumstances of small businesses are addressed; and
 - parties proposing equivalent ways to conform with regulatory requirements are given positive consideration.
5. Inter-governmental agreements are respected and full advantage is taken of opportunities to coordinate with other governments and agencies.
6. Systems are in place to manage regulatory resources effectively. In particular:
 - the Regulatory Process Management Standards are followed;
 - compliance and enforcement policies are articulated, as appropriate; and
 - resources have been approved and are adequate to discharge enforcement responsibilities effectively and to ensure compliance where the regulation binds the government.

This is summarized from the full Policy.

Agriculture and Agri-Food Canada

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Canadian Pari-Mutuel Agency

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Regulatory approach

The government's vision for the agri-food sector is for a growing, competitive, market-oriented industry that is profitable and that responds to the changing food and non-food needs of domestic and international customers. The vision also includes an industry that is less dependent on government support and that contributes to the well-being of all Canadians and the quality of life in rural communities, while achieving farm financial security, environmental sustainability and a safe, high-quality food supply.

The federal program review and the 1995 Budget laid the foundation for realizing this vision of economic growth and security within the context of fiscal restraint. The 1996 Budget builds on this foundation to create an economic climate that removes unnecessary barriers to doing business, expands our global trading opportunities and encourages investors to place their confidence in Canada's future.

Some key initiatives developed to make this vision a reality include

- securing greater access to world markets by exercising our rights under existing trade agreements, negotiating new agreements, negotiating clearer international technical standards, and developing new domestic and international markets for Canadian agri-food products;
- building on the success of the Matching Investment Initiative for jointly funded agri-food research with the private sector;
- continuing to help producers get the tools to better shape their own economic future through the \$300-million Western Grain Transportation Adjustment Fund, the \$72.6-million Feed Freight Assistance Adjustment Fund and the \$60-million (per year) Canadian Adaptation and Rural Development Fund;
- creating a single federal food inspection agency to be responsible for all federally mandated quarantine and inspection services, which will allow Canadian exporters to better respond to the changing demands of the international marketplace. Importers of several different types of food products will be able to deal with one federal organization for issues related to import inspection. Creating the agency will also speed up and simplify

work already underway to harmonize standards among federal, provincial and municipal governments. The final objective is a truly national food inspection system;

- putting in place a modern infrastructure and efficient transportation system to enhance our grain sector's ability to compete in world markets.
- phasing out the remaining dairy subsidy over five years, while maintaining our commitment to supply management, and developing a long-term dairy policy to provide a predictable environment for the Canadian dairy industry;
- finalizing agreements with provinces for cost-shared farm safety net programs;
- developing a departmental work plan of programs and services for agricultural rural areas, as part of a collaborative interdepartmental initiative responding to the government's commitment to the economic renewal of rural Canada; and
- Establishing a sustainable development strategy that will ensure our efforts for economic growth continue to be environmentally sound.

To ensure that the regulatory framework for the agriculture and agri-food sector supports the vision for the industry and the government's fiscal directions, Agriculture and Agri-Food Canada continues to work towards maintaining protection for consumers, promoting more industry self-reliance, and creating more flexibility and growth in the marketplace by removing unnecessary regulatory barriers.

General information

Roles and responsibilities

Food Production and Inspection Branch

Federal food inspection and quarantine regulations play an important role in providing consumers with a safe food supply, preventing the introduction of significant animal diseases and plant pests, and supporting the Canadian agri-food industry's access to domestic and international markets. Regulations are also directed at protecting Canadian consumers and industry from economic fraud in connection with the packaging, labelling, advertising and sale of food. The effectiveness of these programs and regulations depends on the department's ability to respond to a changing environment of government fiscal restraint, a more competitive global marketplace and technological advancements.

To respond to this changing environment, the department has been implementing a long-term strategy to redesign inspection and quarantine services. Under the plan, the first priority is to uphold Canada's excellent reputation for a safe and high-quality food supply and for controlling of animal and plant pests and diseases that can have an economic impact. At the same time, costs to the taxpayer must be reduced and industry must be helped to find ways to keep input costs down, so it can offer the best quality products at the best price. To achieve these goals, the branch has been consulting with clients on a strategy that combines cost avoidance, cost-reduction and cost recovery initiatives. This includes redesigning government inspection programs to ensure their efficient and cost-effective delivery; examining alternative service arrangements, such as accreditation and privatization; and sharing the costs of services in a fair and equitable way with the companies and private individuals who benefit from them.

Cost avoidance: To concentrate government resources on food safety activities, some quality assurance functions traditionally performed by government are being privatized. For example, in April 1996, the red meat industry established a privately run agency that grades beef to government-set standards. Grading is a price-setting mechanism not related to food safety.

Cost reduction: Government continues to reduce costs of inspection and quarantine activities by using new technologies and by implementing other operational and administrative efficiencies. Establishing a single federal food inspection agency will also help reduce the costs of delivering programs.

Cost recovery: The government has recovered the cost of some of its inspection and quarantine services for several years. In 1995 and 1996, regulations implementing new and expanded cost recovery initiatives for other inspection and quarantine services were enacted. Cost recovery establishes a market-type mechanism to help the department assess which inspection activities not related to health and safety should continue, and which should be reduced or eliminated. The government is also consulting with clients to develop service standards that will clarify the levels, quality and costs of service that they can expect.

Policy Branch

The activities of Policy Branch are centred on developing, delivering and analyzing policies and programs that provide long-term income stability to

agricultural producers and that improve the ability of the agriculture and agri-food sector to compete and adapt to change. These activities focus on creating a better balance between growth and security, to move government's role away from unsustainable subsidies to one where security is built on growth in the marketplace.

The key priorities of the Branch include continuing reform of safety nets programming, supply management, transportation and grain policy, and resolution of adaptation issues.

Market and Industry Services Branch

The mandate of the Market and Industry Services Branch (MISB) is to work with the agri-food sector to enhance its global competitiveness and, in so doing, increase the sector's share of both domestic and international markets for agriculture and agri-food products.

The key objectives of MISB will continue to be

- to create new market opportunities by negotiating trade agreements and resolving trade irritants, and to help industry take advantage of the new opportunities, to meet industry's goal of increasing Canadian agri-food exports to more than \$20 billion and capturing at least a 3.5-per-cent share of world trade by the year 2000; and
- to help the Canadian agri-food industry maximize benefits from the \$80-billion domestic agri-food market by encouraging diversification of markets served and products offered, with particular focus on higher value agri-food products.

To achieve these objectives, the Branch is involved in the following activities:

- negotiating and maintaining market access through international and interprovincial agri-food trade agreements and by managing trade irritants and disputes;
- advising and assisting industry in identifying and exploiting market opportunities;
- assisting clients in developing strategic approaches to market development;
- providing information, intelligence and analysis on Canadian and export markets;
- ensuring industry needs and perspectives are reflected in the development of policies and regulations; and
- assisting industry in technological adaptation and human resource development.

Canadian Wheat Board

The Canadian Wheat Board (CWB) continues to market wheat and barley in Canada and internationally on behalf of Western Canadian producers. To reflect market conditions and returns to grain producers more accurately, the federal government establishes a government-guaranteed initial payment each year.

Canadian Grain Commission

In the interests of grain producers, the Canadian Grain Commission (CGC) establishes and maintains standards of quality for Canadian grain and regulates grain handling in Canada to ensure a dependable commodity for domestic and export markets.

In addition to effecting routine regulatory amendments, the CGC also intends to seek changes designed to give additional flexibility to licensees, in response to changes in the grain handling industry. In its efforts to add value to Canadian grain and oilseeds, the CGC will effect amendments that contribute to industry efficiency and allow for its continued development and diversification. Where producers and the industry so desire and are willing to accept more responsibility, the CGC will reduce or eliminate regulatory requirements.

Legislative mandate

The Minister of Agriculture and Agri-Food administers the following acts:

- *Advance Payments for Crops Act*
- *Agricultural Products Board Act*
- *Agricultural Products Cooperative Marketing Act*
- *Agricultural Products Marketing Act*
- *Agriculture and Agri-Food Administrative Monetary Penalties Act*
- *Animal Pedigree Act*
- *Appropriation Acts **
- *Canada Agricultural Products Act*
- *Canada Grain Act*
- *Canadian Dairy Commission Act*
- *Canadian Wheat Board Act*
- *Criminal Code **
- *Department of Agriculture and Agri-Food Act*
- *Experimental Farm Stations Act*
- *Farm Credit Act*
- *Farm Debt Review Act*
- *Farm Improvement and Marketing Cooperatives Loans Act*
- *Farm Improvement Loans Act*
- *Farm Income Protection Act*

- *Farm Products Marketing Agencies Act*
- *Farm Syndicates Credit Act*
- *Feeds Act*
- *Fertilizers Act*
- *Financial Administration Act **
- *Food and Drugs Act **
- *Grain Futures Act*
- *Hay and Straw Inspection Act*
- *Health of Animals Act*
- *Livestock and Livestock Products Act*
- *Livestock Feed Assistance Act*
- *Meat Import Act*
- *Meat Inspection Act*
- *Plant Breeders' Rights Act*
- *Plant Protection Act*
- *Prairie Farm Rehabilitation Act*
- *Prairie Grain Advance Payments Act*
- *Seeds Act*

* Acts that are not administered by Agriculture and Agri-Food Canada, but that have one or more regulations that are.

Initiatives for 1997

Food Production and Inspection Branch

Ag/97-3-M

Cost-sharing Arrangements

- *Dairy Products Regulations*
- *Egg Regulations*
- *Feeds Regulations*
- *Fertilizers Regulations*
- *Food and Drug Regulations*
- *Fresh Fruit and Vegetable Regulations*
- *Hatchery Regulations*
- *Health of Animals Regulations*
- *Honey Regulations*
- *Licensing and Arbitration Regulations*
- *Maple Products Regulations*
- *Meat Inspection Regulations*
- *Plant Breeders' Rights Regulations*
- *Plant Protection Regulations*
- *Processed Egg Regulations*
- *Processed Products Regulations*
- *Seed Potato Regulations*
- *Seeds Regulations*
- *Financial Administration Act:*
 - *Dairy Products Fees Order*
 - *Destructive Pests Inspection Fees Regulations*
 - *Egg and Processed Egg Fees Order*
 - *FPI Branch Overtime Fees Order*
 - *Feeds Fees Order*

Fertilizers Fees Order
Fresh Fruit and Vegetable Fees Order
Honey Fees Order
Livestock Carcass Grading Fees Order
Maple Products Fees Order
Meat Products Fees Order
National Animal Health Program Cost Recovery Fees Order
Plant Protection Fees Order
Processed Products Fees Order
Quarantine and Inspection Services Fees Order
Rabies Vaccination Fees Regulations
Seeds and Seed Potatoes Fees Order

The Food Production and Inspection Branch (FPIB) is committed to moving existing program approaches toward one that uses market forces to determine the value of the service to industry and industry's need for the service. This initiative reflects the business directions for inspection and regulatory services that are outlined in the FPIB Business Plan and the recommendations of the 1992 Departmental Regulatory Review. The cost-sharing principle is one of the alternative business arrangements identified.

In addition, the fall 1994 and spring 1996 Auditor General's reports reaffirmed the need for much wider use of cost-sharing initiatives that reflect the degree of private benefit resulting from a service. FPIB must implement new ways of carrying out business to maintain the integrity of Canada's food inspection and regulatory system.

FPIB's Business Alignment Plan (BAP) is the evolution of the new business directions set out in the Branch's Business Plan, which holds that clients who directly benefit from inspection services should share in the costs of providing these services. The cost-sharing arrangements that have, and will be going into effect, are dependent on market demand for FPIB services. Continuing to generate revenue through cost-sharing mechanisms will help the Branch offset future resource reductions, allowing it to adequately maintain the level of inspection and regulatory services required to ensure health, safety and international trade. This action is consistent with the direction being taken by Canada's major trading partners, which have already introduced cost-sharing mechanisms for many regulatory activities.

FPIB has a long history sharing the costs of delivering its programs with clients who benefit directly from inspection services. The Canadian Pari-mutuel Agency recovers all of its costs. In 1994/1995, FPIB collected \$12.5 million in service fees, or four per cent of the total Branch costs. In 1995/1996, FPIB collected \$27.3

million in service fees or four per cent of the total branch costs.

Along with implementing cost-sharing mechanisms, the government is also redesigning programs to make use of new technologies, streamline government operations and implement alternative service delivery arrangements, including joint program delivery, accreditation of outside agencies and privatization. Program policies and procedures for similar functional activities will be rendered more uniform.

As a result of announcements made in the 1993, 1994, 1995 and 1996 federal budgets, FPIB has no alternative but to press ahead with the implementation of the BAP if it is to successfully address resource reductions that will total more than \$70 million for the fiscal year 1997/1998. The goal for the 1996/1997 fiscal year is to recover approximately \$38 million in service fees, increasing to approximately \$56 million in 1997/1998.

Since industries differ, FPIB will proceed with a flexible approach. FPIB will continue to negotiate with each sector separately to assess how best to meet the needs of industry while permitting government to meet its obligations to the public. Through a special "vote netting" provision granted by Treasury Board, all revenue earned from FPIB's services will be credited back to programs so that they can be maintained according to the standards to which each sector agrees.

FPIB is changing how it does business. However, any changes implemented respect the FPIB principles of maintaining standards for health and safety and disease control, meeting international trade obligations, reducing costs to the taxpayer, keeping industry on the forefront of technology and allowing industry to remain competitive by providing a level playing field.

In addressing both future program policies and potential cost-sharing approaches, FPIB is assessing its activities along six functional lines including registration, overtime, label review, certification, grading and laboratory services. Regulatory changes pursued through the BAP that are already in place include changes related to meat inspection and grading, animal health, plant health and seed potatoes, eggs and egg products, dairy products, and fresh fruits and vegetables.

Consultation will take place in 1996 and 1997 with respect to the following FPIB programs: meat hygiene (red meat and poultry), animal health including hatcheries, plant health and seed potatoes, fresh and processed fruit and vegetable, eggs and processed

eggs, dairy products, feeds and fertilizers, seeds, maple products and honey.

Legal authority: Cost-sharing mechanisms will be implemented under the appropriate Regulations stated above or under the jurisdiction of section 19 of the *Financial Administration Act*.

Contact: Wayne Morris, Director, Operations Policy Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 941-5033; E-mail: wmmorris@em.agr.ca

Agr/97-8-L

Plant Breeders' Rights Regulations **(Miscellaneous Amendments)**

Some relatively minor amendments to the *Plant Breeders' Rights Regulations* have been identified. They will

- modify the prescribed objection period from six months to four months,
- permit the department to publish the *Plant Varieties Journal* three times per year instead of four and specify that applications may be made in English or French;
- make minor changes related to fees, which will include reducing fees for single-site, multiple-variety examinations for the same applicant and implementing a fee for re-examination; and
- address concerns arising from the Standing Joint Committee for the Scrutiny of Regulations.

The first three changes are relatively minor administrative ones intended to make the program more cost effective and efficient. The other is a matter of legal interpretation that requires clarification.

Legal authority: *Plant Breeders' Rights Act*, subsection 4(1)

Contact: Glenn Hansen, Director, Plant Products Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219; E-mail: ghansen@em.agr.ca

Agr/96-2-I

Medicated Feed Establishment Registration Regulations (Creation)

The proposed regulations will provide authority to register medicated feed preparation establishments. Such establishments will be required to implement and maintain production controls and safeguards to prevent contamination of feed with medications hazardous to animal and human health and food safety. The Regulations will apply to commercial and farm-based operations.

This initiative is in line with current departmental policy and fulfils obligations under the *North American Free Trade Agreement* to modify inspection procedures so that they are equivalent to those used in the U.S. It is expected to be a more cost-efficient approach to regulation. At present, the *Feeds Act* and *Feeds Regulations* primarily address the pre-sale evaluation and post-sale monitoring of feeds, but do not provide authority for process regulations.

Extensive consultation with the feed industry and national livestock producer groups has taken place over several years.

Legal authority: *Health of Animals Act*

Contact: S. Tolusso, Feed Program Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, Camelot Court, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5218; E-mail: stolusso@em.agr.ca

Agr/95-5-I

Food and Drug Regulations (Regulatory Review)

In 1993, Health and the Food Division of the former Department of Consumer and Corporate Affairs (CCAC) initiated a joint review of the *Food and Drug Regulations* to discover ways to use government resources effectively; to reduce costs to government, industry and consumers; to examine the ratio of costs to benefits of the Regulations; and to ensure the Regulations do not make industry less competitive. The primary focuses of the review were health and safety, consumer protection and ways to minimize adverse affects on Canadian competitiveness (and to enhance competitiveness, where possible). With the June 25, 1993 government reorganization, responsibility for the provisions for labelling food under the authority of the *Food and Drug Regulations*

was transferred from CCAC to Agriculture and Agri-Food Canada.

Agriculture and Agri-food Canada will propose amendments to the *Food and Drug Regulations* to reflect the outcome of the review relating to the economic fraud provisions. These amendments will include changes related to the packaging, labelling, advertising and sale of food in the following areas: revocation of obsolete regulations; amendments to ingredient labelling related to exemptions (foods packed at retail, etc.), the content of the ingredient list (allergen labelling, processing aids, components, common names), durable life date, common names for foods, legibility of information, the country of origin for wine and brandy; and various other miscellaneous mandatory and optional labelling requirements.

The review and consultation with stakeholders identified areas where consumer information needs to be maintained or enhanced. In these areas, the benefits will surpass the potential costs to industry or consumers by reducing the health, safety and fraud risk resulting from a lack of information on the food label.

Legal authority: *Food and Drugs Act*, section 30

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000, ext. 3795; Fax: (613) 952-7387; E-mail: greasbeck@em.agr.ca

Agr/95-13-I

Administrative Monetary Penalties Regulations

The *Administrative Monetary Penalties Regulations* will allow the Food Production and Inspection Branch to impose monetary penalties up to \$6,000 for non-compliance with branch regulations. This system will help the Branch respond to industry requests for more equitable enforcement of regulations, particularly between imported and domestic products.

The Regulations will outline the administrative monetary penalty system's procedures and proceedings, including the penalty matrices that officials will use to calculate monetary penalties, the procedure for entering into compliance agreements, and the options available to alleged contravenors.

The Department will hold consultations with industry associations. Stakeholders will also be made aware of

the department's plans through a notice in the *Canada Gazette*.

The system will cost approximately \$600,000 per year to implement. It will increase compliance with regulations, will help create a level playing field for regulated parties, and will be a further step toward decriminalization of regulation violations.

These regulations are a recommendation from the regulatory review, and are a departmental initiative.

Legal authority: *Agriculture and Agri-Food Administrative Monetary Penalties Act*

Contact: Reg Gatenby, Chief, Legislation, Regulatory Affairs Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 995-8464; E-mail: rgatenby@em.agr.ca

Agr/95-16-I

Field Testing Notification - Clarification

The *Feeds Act* provides legislative authority to regulate the manufacture, sale and importation into Canada of livestock feeds. In anticipation of increased production of feeds using various biotechnology techniques, the associated regulations will be amended to clarify a mandatory notification procedure for such products that are to be tested in a contained or unconfined environment before they are cleared or registered as livestock feeds.

The proposed change will benefit all parties researching new products by clarifying the notification process.

Legal authority: *Feeds Act*, section 5

Contact: Bart Bilmer, Regulatory Officer, Biotechnology Strategies and Coordination Office, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 941-9421; E-mail: bbilmer@em.agr.ca

Agr/95-25-L

Food and Drug Regulations - Fat Content of Ground Meat

Under the *Food and Drug Regulations*, standards have been prescribed for regular, medium and lean ground beef at 30-per-cent, 23-per-cent and 17-per-cent fat content respectively. The *Meat Inspection Regulations*, 1990, however, provide for regular, medium, lean or

extra-lean ground meat products, at maximum fat contents of 30 per cent, 23 per cent, 17 per cent and 10 per cent respectively. This is a joint departmental/industry initiative. Following extensive consultation, the department proposes to amend the *Food and Drug Regulations*. This amendment will revise and extend the present ground beef regulations to apply to all species of meat and will establish a category for "extra lean," thus providing uniformity of application of common names based on maximum fat contents for all species, at all levels of trade.

This benefit will surpass any potential costs to industry by reducing the fraud risk resulting from a lack of information on the food label. As these regulations will simply modify the common names currently being used to describe ground meat products, no additional costs are expected.

Legal authority: *Food and Drugs Act*, section 30

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000, ext. 3795; Fax: (613) 952 7387; E-mail: greasbeck@em.agr.ca

Agr/95-26-I

Organic Food Production Regulations

This regulatory initiative was requested by industry. It is intended to provide a framework for implementing industry-developed standards and a certification program for the production, processing, distribution, labelling and marketing of organically grown agri-food commodities.

Implementing these regulations will facilitate national and international trade of organic products; strengthen small but growing niche market for organic food; and reassure consumers that a product labelled "organic" has met established criteria.

The proposed regulations are based on a "beneficiary pays" principle and will primarily benefit the user group that will incur the cost — the organic food industry. The extent of service will depend on the degree of industry participation.

Legal authority: *Canada Agricultural Products Act*

Contact: A. Millar, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9, Tel.: 613-952-8000 ext. 3817; Fax: 613-990-3925; E-mail: amillar@em.agr.ca

Agr/95-29-L

Plant Breeders' Rights Regulations - Categories of Plants

Schedule I to the *Plant Breeders' Rights Regulations* will be amended to include all categories of plants – excluding algae, bacteria and fungi – as eligible for protection.

To date, new categories eligible for protection have been added on a priority basis. The highest priority categories are now covered. Opening up the legislation to include all categories will eliminate the need for continuous amendments to the Regulations, while providing for the protection of all plant species. This will increase the availability of all plant species in the Canadian market.

The Plant Breeders' Rights Office (PBRO) of Agriculture and Agri-Food Canada operates on a cost-recovery basis. The addition of new categories eligible for protection will increase the number of applications accepted and result in an increase in the total revenue the PBRO collects. The amendment will not require new resources from government.

The Plant Breeders' Rights Advisory Committee, composed of representatives of major national agricultural and horticultural organizations, has recommended this amendment.

Legal authority: *Plant Breeders' Rights Act*, subsection 4(1)

Contact: Glenn Hansen, Director, Plant Products Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219; E-mail: ghansen@em.agr.ca

Agr/94-15-I

Fertilizers Regulations - Permit Procedure Clarification

The *Fertilizers Act* provides legislative authority to regulate the sale and importation into Canada of fertilizers and supplements. As a result of the increased production of supplements using various biotechnology techniques, the Regulations will be amended. The amendment will more clearly define a research authorization procedure that will allow for controlled field testing of fertilizer and supplement products derived through biotechnology before they are registered.

The proposed change will benefit all parties requiring authorization to conduct research by clarifying the authorization process.

This is a government-proposed initiative. The government is seeking to standardize testing of biotechnology-derived inputs such as fertilizers, seeds, feeds and veterinary biologics.

Legal authority: *Fertilizers Act*, section 5

Contact: Bart Bilmer, Regulatory Officer, Biotechnology Strategies and Coordination Office, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 941-9421; E-mail: bbilmer@em.agr.ca

Agr/94-20-I

Health of Animals Regulations - Veterinary Biologics

The amendment will require anyone who wishes to test modified live veterinary biologics outside an establishment registered for testing veterinary biologics under the *Health of Animals Act* to notify the department. The amendment will also address the requirements for releasing these modified live veterinary biologics, and will permit adequate provisions for notification and assessments of safety to be made under the department's legislation.

Legal authority: *Health of Animals Act*, S.C. 1990, chapter 21

Contact: Bart Bilmer, Regulatory Officer, Biotechnology Strategies and Coordination Office, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 941-9421; E-mail: bbilmer@em.agr.ca

Agr/94-44-I

Seeds Regulations - Authorization of Field Testing

The *Seeds Regulations* govern the testing, inspection, quality and sale of seed in Canada.

The relatively recent development of plant varieties using the tools of biotechnology has raised the possibility that varieties may pose a risk to the health of humans, animals or the environment. These regulations would provide a mechanism, for evaluating plants with novel traits based on a scientific, internationally accepted, safety-based

model, before the plants are released into the environment.

Such a regime would confirm that plants with novel traits are being properly evaluated before they are widely distributed. This should ensure the general public, farmers, the seed industry and our international trading partners that established standards will be met. Innovation in the seed industry will be encouraged, new products will become available, and sustainable agricultural and environmental practices should be enhanced. The cost of subjecting plants with novel traits to a safety-based determination will be relatively minor compared to the potential value of the products themselves. This is a government initiative.

Legal authority: *Seeds Act*

Contact: Bart Bilmer, Regulatory Officer, Biotechnology Strategies and Coordination Office, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 941-9421; E-mail: bbilmer@em.agr.ca

Policy Branch

Agr/97-4-L

Crop Insurance Regulations

The federal *Crop Insurance Regulations* were extensively overhauled in 1990, and minor modifications were made in 1994. As a result of the review of the Crop Insurance Program in 1996, legislative changes to the *Farm Income Protection Act* may be required.

The Regulations provide the conditions under which the federal government contributes to provincial crop insurance programs. The Regulations also provide national standards for insurance and actuarial aspects of the Crop Insurance Program, and provide other detailed criteria that allow the provinces to determine what costs will be eligible for federal cost sharing.

Legal authority: *Farm Income Protection Act*, subsection 18(1)

Contact: Mike Ellis, Director, Insurance Division, Policy Branch, Agriculture and Agri-Food Canada, 930 Carling Avenue, Ottawa, Ontario K1A 0C5. Tel.: (613) 957-7078; Fax: (613) 996-8580; E-mail: mellis@em.agr.ca

Market and Industry Services Branch

Agr/97-1-L

Agricultural Marketing Programs Act - Regulations

The *Agricultural Marketing Programs Act* (AMPA) is scheduled to come into force on January 1, 1997 and will replace four acts: the *Advance Payments for Crops Act*, the *Prairie Grain Advance Payments Act*, the *Agricultural Products Cooperative Marketing Act* and the *Agricultural Products Board Act*.

The AMPA has three parts: the Advance Payments Program, the Price Pooling Program and the Government Purchases Program. The Advance Payments Program will improve marketing opportunities for eligible producers of crops by guaranteeing repayment of advances made to them to improve cash flow at or after harvest. The Price Pooling Program will facilitate the marketing of agricultural products under cooperative plans by guaranteeing minimum average prices of products sold by marketing agencies. The Government Purchases Program will maintain the facilities of the *Agricultural Products Board Act* while removing the need for an administrative board.

The regulations will establish certain program criteria and procedures that must be followed. These criteria are needed to make some sections of the Act operable.

Legal authority: *Agriculture Marketing Programs Act*, section 40

Contact: Gilles Lavoie, Agricultural Industry Services Directorate, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, K1A 0C5. Tel.: (613) 957-7078, ext. 3008; Fax: (613) 996-2430; E-mail: glavoie@em.agr.ca

Agr/R-11-L

Canadian Wheat Board Regulations - Initial Payments

This regulatory initiative establishes initial payments for the base grade in each of the four pool accounts under the jurisdiction of the Canadian Wheat Board (CWB). The four pool accounts are wheat, amber durum wheat, barley and designated barley. These initial payments are fixed annually by regulation. The Government of Canada guarantees initial payments received by producers upon delivery of wheat and barley to the CWB.

Initial payments determine the level of payment received by producers upon the delivery of grain into the primary or terminal elevator. The level of initial payments will have an influence on the income of western Canadian grain producers. These initial payments are fixed in relation to anticipated market returns. They represent guaranteed floor prices for producer deliveries of wheat and barley to the CWB during the crop year. After the pool accounts have been closed, any balances remaining in the individual pool accounts, after expenses have been deducted, from revenue CWB has received from grain sales, are distributed to producers as final payments.

Establishing initial payments annually will more accurately reflect market conditions and returns to grain producers. The Government of Canada is required to cover any deficit in a pool account. This initiative will reduce the risk of a deficit occurring.

Legal authority: *Canadian Wheat Board Act*, subparagraph 32(1)(b)(i) and subsection 47(2)

Contact: Richard Downey, A/Director, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel.: (613) 995-9554; Fax: (613) 943-1905.

Agr/92-51-I

Farm Improvement and Marketing Cooperatives Loans Act Regulations

The *Farm Improvement and Marketing Cooperatives Loans Act* (FIMCLA) was enacted in June 1987, and replaced the *Farm Improvement Loans Act* on February 1, 1988. The FIMCLA is designed to increase the availability of loans for the improvement and development of farms and for the processing, distribution or marketing of farm products by farmer-owned cooperatives. After several years of operation, certain sections of the Regulations require modification to clarify the Act and Regulations, and to make them easier to implement. The registration fees paid by borrowers under FIMCLA will also be increased, to move the program closer to full cost recovery.

Some lenders have expressed concern about the ambiguity of certain sections of the legislation and the related regulations, and about the maximum interest rate allowable for fixed-rate loans. Other amendments have been suggested by the Standing Joint Committee for the Scrutiny of Regulations, and by producer

representatives and other stakeholders through a consultative process.

The amendments should clarify the intent of certain guidelines to be followed by lenders, and facilitate the use of FIMCLA by farmers.

Legal authority: *Farm Improvement and Marketing Cooperatives Loans Act*, section 15

Contact: Gilles Lavoie, Agricultural Industry Services Directorate, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, K1A 0C5. Tel.: (613) 957-7078, ext. 3008; Fax: (613) 996-2430; E-mail: glavoie@em.agr.ca

Canadian Grain Commission

Agr/97-2-I

Canada Grain Regulations (Miscellaneous Amendments)

The following changes are proposed for implementation by the Canadian Grain Commission (CGC):

- The CGC plans to exempt feed mills, seed plants that do not buy and sell grain, and distilleries from the licensing requirements of the *Canada Grain Act* (CGA). It is not necessary to license these facilities to maintain the quality, safe keeping, and orderly and efficient handling of grain in Canada.
- Under current regulations, the operator of a licensed process elevator may only receive grain that he or she has purchased. Because process elevator operators are supposed to "own" all grain delivered to them, they cannot charge tariffs. The CGC plans to eliminate the requirement for process elevator operators to own all grain delivered to them. Eliminating this requirement will allow operators of process elevators to charge fees for the services they provide.
- Under current regulations, grain delivered to licensed grain dealers or process or primary elevators must be priced out within 90 days of delivery. Effective August 1, 1995, the CGA was modified to place a 90-day limit on security coverage by the CGC. This encourages producers to seek payment within 90 days. Hence, the 90-day pricing provision is no longer necessary and will be repealed.
- The CGC has the authority to set out a method or methods, visual or otherwise, for determining the characteristics of grain to meet the quality

requirements of purchasers of grain. Kernel visual distinguishability (KVD) is a visual method of quality differentiation and is a basis for segregation in the grain handling system in western Canada.

This segregation method facilitates low-cost, efficient movement of bulk grain through the handling system. The CGC plans to formalize KVD as a method of quality differentiation for meeting quality requirements. KVD that is critical to the Canadian grain quality system.

- The CGC prescribes the percentage of security that may be realized or enforced against a licensee. The CGC may propose amendments to the percentage level of security as a result of the proposed *Special Crops Regulations*. Under current regulations, licensees are required to provide security covering 100 per cent of outstanding liabilities. Under the proposed *Special Crops Regulations*, special crops dealers will be required to cover 90 per cent of their outstanding liabilities. This proposal will harmonize the security provisions of all licensees.

These regulatory changes are not expected to significantly increase costs to producers, grain handlers or the CGC. Any increased costs will be offset by changes that will reduce the regulatory burden on handlers.

Legal authority: *Canada Grain Act*

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751; E-mail: rgosselin@cgc.ca

Agr/97-5-I

Grain Futures Regulations

The Regulatory Review, initiated by the federal government in February 1992, asked Agriculture and Agri-Food Canada to revise the legislation the department administers. This included the *Grain Futures Act* (GFA) of 1939, which is administered by the Canadian Grain Commission (CGC), and provides for the supervision of trading in grain futures contracts on the Winnipeg Commodity Exchange (WCE). In response, the CGC reviewed the GFA. This review recommended that the GFA, which has never been revised, be rewritten to reflect the many changes in grain trading practices over the past 50 years. The current GFA does not grant adequate supervisory powers to offer the assurance of a reliable market environment.

The WCE is in the process of expanding its product base to include non-grain commodities such as hog and beef futures. The CGC is not mandated to regulate non-agricultural financial instruments. Alternatives under review include

- maintaining the status quo, with CGC supervising the WCE and Winnipeg Commodity Clearing Ltd.;
- transferring the responsibility for supervising the WCE to the Manitoba Securities Commission; or
- transferring the responsibility for supervising the WCE to a national securities commission, if such an entity is created.

If the responsibility is shifted to the Province of Manitoba, the current legislation will have to be repealed.

If the responsibility for regulating the WCE remains with the CGC, the CGC will seek significant amendments to the GFA. The CGC prepared a discussion paper encompassing the major elements of a new GFA and circulated it to stakeholders for comment. The revised legislation will provide for regulation of the WCE, its clearing house and related support organizations, and will adhere to international standards for regulation of commodity futures trading. Regulatory amendments will flow from these statutory changes.

Legal authority: *Grain Futures Act*

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751; E-mail: rgosselin@cgc.ca

Agr/R-9-1

Canada Grain Regulations - Fees of the Commission

The Canadian Grain Commission (CGC) must pay for the bulk of its costs through fees charged for services provided to the grain industry, such as inspection, weighing and documentation of grain. Each year, the CGC reviews its fees, which are prescribed in Schedule I of the *Canada Grain Regulations*. Fees may be adjusted, with federal government approval, to meet the requirement for full cost recovery. It is expected that fees will be adjusted during 1997 to reflect operational and cost changes.

Since April 1, 1995, the CGC has been operating under a revolving fund, as opposed to appropriation funding. The CGC may now retain revenues collected from service fees instead of passing them back to the

federal government. It may use excess revenues from one year to offset deficits in another year. However, if revenues do not cover costs (e.g., in those years of low grain production and handling), the CGC may draw funds from a \$12-million line of credit, subject to the payment of interest charges. Under appropriation funding, shortfalls are to be covered by Canadian taxpayers.

The CGC still receives appropriation funding for 50 per cent of the Grain Research Laboratory (for services related to overall food safety and to scientific research and development), supervision of the Winnipeg Commodity Exchange and provision of assistant commissioner services.

Legal authority: *Canada Grain Act*, paragraph 116(i)(r)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751; E-mail: rgosselin@cgc.ca

Agr/R-10-1

Canada Grain Regulations - Grades

Various grain grades will be amended following regular extensive consultations with all sectors of the industry, including domestic and export buyers, and review by the eastern and western standards committees (composed of producers, handlers, processors, exporters and representatives of the Canadian Grain Commission (CGC) and the Canadian Wheat Board (CWB)). It is still too early to predict what changes will be made. Specific grade changes will be finalized as crop and marketing requirements evolve.

Grade changes are expected to facilitate the marketing and handling of Canadian grain, thereby improving producers' returns. Changes are needed to respond to the demands of buyers and end users and to ensure that Canadian grain grades respond to marketing and competitive pressures.

No additional costs for handlers or the CGC are anticipated at the present time. The CGC and the grain industry will initiate these changes.

Legal authority: *Canada Grain Act*, subsection 16(1)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751; E-mail: rgosselin@cgc.ca

Agr/96-8-L

Special Crops Regulations

In 1994, the Canadian Grain Commission (CGC) issued a discussion paper regarding special crops entitled *Options for Regulating the Licensing and Security of Special Crops in Canada*. The paper was distributed to approximately 1,500 individuals and companies involved with special crops on the Prairies. Following circulation of the paper, a CGC committee met with producers, processors, grain dealers and elevator company representatives in Alberta, Saskatchewan and Manitoba.

The purpose of these discussions was to bring together numerous initiatives the CGC has undertaken in recent years and to chart a new course for the regulation of licensing and security of special crops in western Canada. These initiatives include internal studies, consultants' reports, wide-ranging consultations in the early 1990s which resulted in recent amendments to the *Canada Grain Act* (Bill C-51), aspects of the 1992 Regulatory Review of Grains and Oilseeds, and the *Special Crops Act* Initiative, a CGC-funded, producer-conducted consultation.

The results of these discussions formed the basis for the March 1995 discussion paper entitled *Principles for Regulating the Licensing and Security of Special Crops in Western Canada*. Following the release of this report, the CGC undertook additional study and planning with an advisory committee composed of representatives of the Alberta Pulse Growers Commission, the Saskatchewan Pulse Crop Development Board, the Manitoba Pulse Growers Association, the Canadian Special Crops Association, and the Western Canadian Marketers and Processors Association.

With the foregoing in mind the CGC plan to seek approval in 1996 and 1997 for amendments to the *Canada Grain Act* and/or the *Canada Grain Regulations*.

Legal authority: *Canada Grain Act*, subsection 116(1)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751; E-mail: rgosselin@cgcc.ca

Canadian Pari-Mutuel Agency

Agr/97-6-L

Pari-Mutuel Betting Supervision Regulations - Equine Drug Control

Drugs and medication administered to race horses could affect the outcome of a pari-mutuel race. To continue to protect the wagering public against fraudulent practices of this kind, the Canadian Pari-Mutuel Agency intends to prepare updated and clarified standards for the provision of equine drug control services, and to update the information contained in the Schedule of prohibited drugs.

The amendment, which is now in progress, will involve non-substantive and non-controversial changes to Part V, Control of Drugs, and the Schedule in the *Pari-Mutuel Betting Supervision Regulations*. Alternatives under review are incorporating by reference standards established outside the department, and using standards established by the Minister of Agriculture and Agri-Food. Tables and text in the Schedule will be edited to clarify the intent of the Regulations and to provide the racing industry with more information.

The Agency is consulting primarily with officials of the provincial racing commissions, who regulate the conduct of racing, and whose rules reflect the content of the *Pari-Mutuel Betting Supervision Regulations*. Interested individuals and groups will be made aware of proposals for regulatory changes through notices in the *Canada Gazette*.

Legal authority: *Criminal Code*, section 204

Contact: Adrienne Stevenson, Director, Analytical Services, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, LCD Merivale, Ottawa, Ontario K2C 3X7. Tel.: (613) 998-4922; Fax: (613) 952-7466; E-mail: astevenson@em.agr.ca

Agr/97-7-L

Pari-Mutuel Betting Supervision Regulations - Pari-Mutuel Betting Operations

In response to the many changes occurring in the horse racing industry, the Agency is examining the *Pari-Mutuel Betting Supervision Regulations*.

Regulatory issues to be reviewed include, but are not limited to, the following issues: federal levy collection, entries and mutuel fields, and post time.

Costs associated with the initiatives are low for all parties concerned.

The Agency will consult with Criminal Law Policy (Justice), provincial racing commissions, racing associations and horsemen's organizations. The betting public will be made aware of proposals for regulatory changes through inserts in racing programs. Other interested individuals and groups will be informed through notices in the *Canada Gazette*.

Legal authority: *Criminal Code*, section 204

Contact: Judy Buyar, Manager, Industry and Government Relations, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, LCD Merivale, Ottawa, Ontario K2C 3X7.
Tel.: (613) 998-4922; Fax: (613) 952-7466;
E-mail: jbuyar@em.agr.ca

Agr/R-12-L

Pari-Mutuel Betting Supervision Regulations - Drug Schedule Additions

Amendment of the drug schedule is a standing proposal in the *Federal Regulatory Plan*. The Canadian Pari-Mutuel Agency, in fulfilling its mandate to regulate all matters related to pari-mutuel betting on horse racing, maintains a schedule of prohibited substances, traces of which must not be detected in a post-race urine or blood sample obtained from a horse.

Health Canada approves new veterinary drugs for sale in Canada for therapeutic use in animals. Some veterinary drugs can influence a racing horse's performance, and when they come onto the Canadian market, they are added to the Schedule to the *Pari-Mutuel Betting Supervision Regulations*.

Before a drug is added to the Schedule, the Agency routinely consults with the government/industry Drug Advisory Committee, composed of equine veterinarians and racing chemists.

There are no additional costs to the racing industry, the Agency or the department, since the number of samples analyzed remains the same. Maintaining an up-to-date schedule protects the betting public and the credibility of the Agency's drug control program.

Legal authority: *Criminal Code*, section 204

Contact: Adrienne Stevenson, Executive Director, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa,

Ontario, K2C 3X7. Tel.: (613) 998-4922;
Fax: (613) 952-7466; E-mail: astevenson@em.agr.ca

Future initiatives

Food and Drug Regulations (Routine Amendments)

This proposal covers a range of routine amendments to the *Food and Drug Regulations* regarding the labelling or advertising requirements for food, powers and duties of inspectors, requirements for dealing with the importation of food, and potential harmonization of the *Food and Drug Regulations* with other regulations. It will also correct typographical, spelling, translation, numbering and other inconsistencies inadvertently introduced into the Regulations. Consultation will occur as required.

Classification: Low-cost initiative

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000 (ext. 3795);
Fax: (613) 952-7387; E-mail: greasbeck@em.agr.ca

Health of Animals Regulations - Foreign Animal Disease

The department is reviewing its policies and regulations that would be used in the event of an outbreak of a disease. The *Health of Animals Act* gives the Minister of Agriculture and Agri-Food authority to take measures to eliminate, control or prevent the spread of diseases or toxic substances. These measures would be more intrusive than the normal steps taken to control a disease that already exists in Canada. They could include prohibiting of the sale or movement of animals and animal products in the area in which an outbreak has been declared to exist. Controls could also be put on the movement of people and vehicles where necessary, to prevent the spread of disease.

The diseases that would be controlled under the foreign animal disease provisions are those that have a severe economic impact on animal agriculture or that can be transmitted from animals to humans. The controls would be put in place for outbreaks of diseases such as foot and mouth disease, hog cholera and newcastle disease.

Classification: Low-cost initiative

Contact: Dr. Andre Doré, Program Chief, Foreign Animal Disease, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 990-6543.

Health of Animals Regulations - Hatcheries/Pullorum-Typhoid

The department will be consolidating the current regulations on the eradication programs for salmonella pullorum and typhoid under the *Health of Animals Regulations* and the *Hatcheries Regulations*, which were made under the *Livestock and Livestock Products Act*. The *Hatcheries Regulations* must also be brought into the *Health of Animals Regulations* because the *Livestock Products Act* on which they were originally based has been repealed. The 1992 Regulatory Review recommended the two sets of regulations be combined because they control the same diseases.

Classification: Low-cost initiative

Contact: Mr. Normand Boucher, Program Manager, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Health of Animals Regulations - Importation of Cattle and Sheep from the United States

The department is reviewing the current restrictions on the importation of cattle and sheep from the United States. The sheep sector has asked that the *Health of Animals Regulations* be amended to allow sheep to be imported under conditions for bluetongue similar to those granted to the cattle sector by amendment SOR/95-473. The Canadian Cattleman's Association has asked that the Regulations be amended to allow feeder cattle to be imported without any testing provided they are imported into a quarantine feedlot.

Risk assessments must be completed on the proposals and consultation concluded with interested parties, including our major trading partners, before the amendments can proceed.

Classification: Low-cost initiative

Contact: Dr. W. E. McElheran Program Chief, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-4385.

Health of Animals Regulations - Reportable/Notifiable Diseases

The current list of reportable diseases will be reviewed to bring it in line with Agriculture and Agri-Food Canada's current disease policy. The department will consider developing a separate list of notifiable diseases to satisfy our international trading partners. Information will be collected on the incidence of notifiable diseases in Canada, but there will be no control or eradication programs for those diseases.

The department will consult laboratories, industry groups and provincial governments to ensure that any regulation that is adopted is appropriate and that information will be collected as efficiently as possible.

Classification: Low-cost initiative

Contact: Dr. Claude Lavigne, Deputy Director, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 990-6543.

Livestock and Poultry Carcass Grading Regulations - Beef Standards

These regulations establish the national grade standards for beef carcasses graded in Canada. Youthful carcasses are graded Canada A, Canada AA, Canada AAA or one of the four Canada B grades, according to the carcass quality. In addition to maturity, the primary carcass quality criteria evaluated are muscling, meat colour, marbling, fat colour and fat measurement. It is anticipated that the Industry/Government Committee on Beef Grading will recommend changes to these grades, which could include the following changes: establishing a new Canadian high-quality grade comparable to the USDA Prime grade; reducing or eliminating the current 4-mm minimum fat thickness for the three A grades; reducing the current minimum muscling requirement, to harmonize with American requirements; increasing the minimum carcass weight from 150 to 167 kg; and introducing an objective tenderness assessment.

Classification: Low-cost initiative

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Livestock and Poultry Carcass Grading Regulations - Lamb Standards

These regulations specify the carcass characteristics that a grader evaluates when grading lamb and mutton carcasses. The present classification system was implemented in the early 1990s and has improved the quality of product. However the Classification Committee of the Canadian Sheep Federation has asked that the standards be modified slightly so that both objective and subjective assessments are considered. There is also the desire that the Canadian classification system be more harmonized with the American system, and that new carcass assessment technologies such as video image analysis be incorporated into the system. The department will consult with affected industry parties on this issue.

Classification: Low-cost initiative

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Livestock and Poultry Carcass Grading Regulations - Poultry Standards

These regulations establish the national grade standards for poultry carcasses graded in Canada, the conditions of grading and the marking requirements for graded poultry. The poultry grade standards may be applied to chicken, turkey, duck or goose carcasses. Following consultation with industry, amendments may be required, particularly to the provisions dealing with labelling and conditions of grading. The use of declarations such as "With giblets," "May have parts missing," "No neck" and "Graded before seasoning" will be clarified or proposed. Kidneys may currently remain in Rock Cornish hens or chicken carcasses weighing no more than 2 kg; it is proposed to extend this allowance to duck carcasses and possibly other types of poultry as well. Containers of graded poultry must be marked with the grade name of the product. The department will also consider establishing a requirement that containers of ungraded product to be identified as ungraded, similar to the current requirement for beef. The department will consult with the national poultry associations.

Classification: Low-cost initiative

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry

Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Meat Inspection Regulations, 1990 - Cleaning and Sanitation of Equipment and Premises

The Canadian meat industry wants to develop more cost-effective ways of cleaning equipment and facilities. The Regulations currently require a daily cleaning with water and cleanser of every room in a registered establishment where food animals are slaughtered, carcasses are dressed or meat products are refrigerated, processed, packaged, labelled, received, shipped or otherwise transported, and of every piece of equipment used. These regulations are restrictive and do not take into account that a sanitary environment can be achieved using alternate methods.

To address the Canadian industry's wish to use alternative cleaning methods, the department proposes to modify the *Meat Inspection Regulations* to provide more flexibility for developing sanitation programs. The intent is to allow the development of alternate methods of cleaning and sanitation that will be more cost effective and yet achieve the same sanitary environment achieved when the traditional method of cleaning and sanitation is used.

Classification: Low-cost initiative

Contact: Dr. Claude Boissonneault, Chief, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000 ext. 4676; Fax: (613) 998-0958.

Meat Inspection Regulations, 1990 - Mechanical Separation of Meat from Bones

Mechanical meat/bone separation equipment and meat-recovery systems operate by using mechanical pressure to separate muscle tissue from the attached bones. This equipment operates based on the differing resistance of bone and soft tissue. It allows soft tissue like muscle to pass through small openings, such as sieves or screens. Depending on the effect the equipment has on the bones, the resulting edible product is referred to as either meat (e.g., beef, chicken) or mechanically separated meat (e.g., mechanically separated chicken). Mechanically separated meat is obtained from equipment that comminutes, grinds or pulverizes the bones with

attached muscle to retrieve the muscle portion. This product must meet certain requirements for calcium and protein levels and bone particle size. Alternatively, if the equipment does not comminute, grind or pulverize the bones, the resulting product can be referred to as meat.

It is proposed to amend the *Meat Inspection Regulations* to redefine the terms meat and mechanically separated meat. The definitions will be based solely on the content of the product; that is, the level of calcium and protein, and the size of bone particles. The effect the mechanical meat/bone separation equipment and meat-recovery systems have on the bones will no longer be considered. This initiative will result in simpler regulations, which will facilitate compliance and enforcement.

Classification: Low-cost initiative

Contact: Dr. Claude Boissonneault, Chief, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000 ext. 4676; Fax: (613) 998-0958.

Meat Inspection Regulations, 1990 - Program for Certifying Freedom from Hormonal Growth Promotants

In 1988, the European Union (EU) banned the use of growth promotants in the production of animals destined for human consumption. Several hormonal growth promotants are allowed in the production of beef in Canada and many other countries.

The proposed amendment will create a regulatory basis to support a certification program for use by producers who want to develop markets for beef in the EU. The certification program may also be used by producers who want to develop a domestic market for beef raised without hormonal growth promotants.

Most of the cost of the program will be assumed by beef producers, who will pay accredited veterinarians to monitor their animals and production practices. Although countries such as Canada, the United States, Australia and New Zealand are pressing the EU to lift its present ban, the certification program seems to be, in the short term, the only possible way to enable export of Canadian beef to the EU.

Classification: Low-cost initiative

Contact: Dr. Frédérique Moulin, Audit Programs, Meat and Poultry Products Division, Food Production

and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000 ext. 4707; Fax: (613) 998-0958.

Plant Protection Regulations - Schedules I and II

The purpose of the *Plant Protection Act* and its regulations is to protect plant life (environment) and the agricultural and forestry sectors of the Canadian economy by preventing the introduction and spread of plant pests (insects and diseases) through importation and exportation; and, where the Minister determines it is necessary and the costs are justified, by controlling or eradicating plant pests, including biological obstacles to the control of pests, within Canada.

Schedules I and II of the *Plant Protection Regulations* specify domestic movement prohibitions and restrictions that have been placed on specific commodities, including plant pests.

Schedule I prohibits the movement of certain commodities within Canada. Schedule II regulates the movement of certain commodities within Canada and outlines the requirements that a person must fulfil before he or she can move specific material out of an infested area or an area suspected to be infested.

The department is reviewing the commodities and plant pests named in the schedules to ensure that import and domestic policies are harmonized. This exercise will ensure that the department is in compliance with sanitary and phytosanitary provisions of the *World Trade Organization Agreement*. Furthermore, the review and subsequent regulatory amendments will focus on reducing the department's liability, and on identifying those policies that can no longer be enforced because of such factors as the lack of resources. Regulated commodities that are no longer of quarantine significance will be removed from the lists.

The department will hold discussions with provincial officials, outside agencies and non-government organizations to obtain their views regarding any changes to the plant protection program.

Classification: Low-cost initiative

Contact: Dr. Jean Hollebhone, Director, Plant Protection Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 943-2482.

Pari-Mutuel Betting Supervision Regulations - Betting Operations

To address the many changes occurring in the horse racing industry, the Agency is examining several provisions in the *Pari-Mutuel Betting Supervision Regulations*. Regulations pertaining to pari-mutuel betting operations that are found to be obsolete, or that affected individuals agree are unnecessarily restrictive, may be revoked. Other regulations may be amended to respond to technological and administrative developments.

The Agency will consult with Criminal Law Policy (Justice), provincial racing commissions, racing associations and horsemen's organizations. The betting public will be made aware of proposals for regulatory changes through inserts in racing programs. Other interested Canadians will be informed through notices in the *Canada Gazette*.

Classification: Intermediate-cost initiative

Contact: Judy Buyar, Manager, Industry and Government Relations, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7.
Tel.: (613) 998-4922; Fax: (613) 952-7466;
E-mail: jbuyar@em.agr.ca

Canada Grain Act - Changes

The Canadian Grain Commission (CGC) will be considering changes to the *Canada Grain Act* after 1997 to reflect the ongoing evolution of the grain industry. These changes will give additional flexibility to licensees, contribute to industry efficiency, and allow for continued development and diversification of the industry. The Act will be reviewed to eliminate or reduce regulations where producers and the industry view such changes to be in their collective interest and are willing to accept more responsibility. For example, the CGC intends to review the provisions that require primary elevator operators to accept grain for storage without discrimination and in the order it is presented.

Classification: Low-cost initiative

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8.
Tel.: (204) 983-3081; Fax: (204) 983-2751;
E-mail: rgosselin@cgc.ca

Canadian Heritage

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General information

Roles and responsibilities

Every generation has a responsibility to preserve and build on what those before it have created so that future generations will have access to the heritage that has made Canada the distinctive nation that it is and will continue to be. Drawing on Canada's cultural and natural heritage, the objectives of Canadian Heritage are the following:

- supporting the full participation of all members of Canadian society and promoting among Canadians their knowledge, understanding and appreciation of Canada, its human and natural

history, regional diversity, culture, traditions, values, symbols, institutions and distinct identity;

- supporting opportunities to increase the appreciation and use of both official languages, working to eliminate racism and other forms of discrimination and barriers to participation, increasing knowledge, appreciation and enjoyment of human rights and fundamental freedoms, and ensuring compliance with Canada's domestic and international human rights obligations;
- developing and maintaining an amateur sport system that provides opportunities to all athletes and sport participants and ensures that those with talent and dedication achieve at the highest international level;
- supporting cultural creative expression through the development of Canadian cultural industries and organizations representing the performing, literary and visual arts, and promoting public access to, and appreciation of, cultural expression; and
- providing the means to commemorate, protect and present both directly and indirectly places that are significant examples of Canada's cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment, and long-term ecological and commemorative integrity.

Five sectors within Canadian Heritage are charged with carrying out the above activities.

The Canadian Identity Sector is responsible for those activities intended to enhance a sense of identity and belonging among Canadians. These include programs that help build a better understanding of Canada and pride in being Canadian; promoting linguistic duality, cultural diversity, and participation of Aboriginal peoples in the social, cultural, political and economic issues affecting their lives in Canadian society; and encouraging excellence and affiliation through sport and participation in major games.

The Cultural Development and Heritage Programs Sector is responsible for promoting artistic development in Canada, increasing public access to Canada's heritage and assisting in the preservation of this heritage. This responsibility includes stimulating access to Canadian arts and heritage

products and services, as well as encouraging public participation in related cultural activities. This sector also provides support to arts and heritage organizations and to the broadcasting and cultural industries. In fulfilling its mandate, the sector works closely with federal arts, heritage and broadcasting agencies, including the National Film Board, the Canada Council, the National Arts Centre, Telefilm Canada, Canada's national museums, the Canadian Broadcasting Corporation and the Canadian Radio-television and Telecommunications Commission.

The Parks Canada Sector plays a lead role in federal activities related to the formal recognition of persons, places and events of national historic importance, and places representative of Canada's natural and human heritage. In some cases, these heritage activities entail direct responsibility for the management (including both protection and presentation) of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites. In other cases, activities are focused on formal designations by the Government of Canada and, as mandated, on support for the preservation and interpretation of designated heritage properties that are managed by others. These include all heritage railway stations, most federal heritage buildings, most Canadian heritage rivers, and many national historic sites.

The Strategic Management Sector is responsible for strategic planning, policy coordination, international and intergovernmental relations, corporate review and communications activities for the department.

The Corporate Services Sector is responsible for corporate services including finance, information management and administration.

Legislative mandate

- *Act to Incorporate the Jules and Paul-Émile Léger Foundation*
- *Broadcasting Act*
- *Canada Council Act*
- *Canadian Film Development Corporation Act*
- *Canadian Heritage Language Institute Act* (not yet proclaimed)
- *Canadian Multiculturalism Act*
- *Canadian Race Relations Foundation Act* (not yet proclaimed)
- *Canadian Radio-television and Telecommunications Commission Act*
- *Constitution Act, 1867*

- *Constitution Act, 1982*
- *Corrupt Practices Inquiries Act*
- *Cultural Property Export and Import Act*
- *Department of Canadian Heritage Act*
- *Department of State Act*
- *Department of Transport Act, 1970 (Canals)*
- *Disfranchising Act*
- *Dominion Controverted Elections Act*
- *Dominion Water Power Act*
- *Financial Administration Act*
- *Fitness and Amateur Sport Act*
- *Heritage Railway Stations Protection Act*
- *Historic Sites and Monuments Act*
- *Holidays Act*
- *Laurier House Act*
- *Manitoba Act, 1870*
- *Mingan Archipelago National Park Act*
- *Museums Act*
- *National Anthem Act*
- *National Archives of Canada Act*
- *National Arts Centre Act*
- *National Battlefields at Quebec Act*
- *National Capital Act*
- *National Film Act*
- *National Flag of Canada Manufacturing Standards Act*
- *National Library Act*
- *National Parks Act*
- *National Symbol of Canada Act*
- *Official Languages Act (Part VII - Advancement of English and French)*
- *Public Service Employment Act*
- *Social Sciences and Humanities Research Council Act*

Initiatives for 1997

HER/97-1-L

National Parks Signs Regulations (Revision)

The *National Parks Signs Regulations* apply to all signs erected in the national parks except those signs erected for park administration purposes. These regulations have not been revised in several decades and, as a result, the Regulations are out of date with current sign trends and technologies. Consequently, interpretation and enforcement of the Regulations by park superintendents have been inconsistent and, upon occasion, too discretionary. A revision of the Regulations is necessary to ensure consistent and equitable application and enforcement, and to ensure that only signs appropriate to the national parks are erected.

Legal authority: *National Parks Act*

Contact: Mr. Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/97-2-L

National Parks General Regulations (Revision)

The *National Parks General Regulations* control the use of national park natural and cultural resources and public recreation facilities. Over the last twenty years of amendments, certain contradictions and redundancies have occurred. In addition, certain provisions in these regulations have become obsolete. In order to make these regulations consistent and concise, a revision will be required. At the same time, certain provisions regarding the removal of timber from the parks will be incorporated into these regulations and the *National Parks Timber Regulations* will be repealed.

Legal authority: *National Parks Act*

Contact: Mr. Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/97-3-L

National Parks Domestic Animals Regulations (Revision)

The *National Parks Domestic Animals Regulations* control the access to national parks by domestic animals and set out standards of behaviour for those animals and their owners in the national parks. In addition, certain provisions in these regulations have become outdated and, in some cases, obsolete. In order to make these regulations consistent and concise, a revision will be required. At the same time, certain provisions regarding the grazing of horses in the parks will be incorporated into these regulations and the *National Parks Grazing Regulations* will be repealed.

Legal authority: *National Parks Act*

Contact: Ms. Sharon Budd, Project Manager, Regulatory Development, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull,

Quebec, K1A 0M5. Tel.: (819) 994-2698; Fax: (819) 994-5140.

HER/97-4-L

National Parks Highway Traffic Regulations (Revision)

The *National Parks Highway Traffic Regulations* control the operation of motor vehicles on the highways and roadways of Canada's national parks. Since the Regulations were established in 1976, certain contradictions and redundancies have occurred. In addition, certain provisions in these regulations have become outdated. In order to make these regulations in some cases consistent with provincial regulations, and in others to apply provincial regulations instead, a revision will be required.

Legal authority: *National Parks Act*

Contact: Mr. Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/97-5-L

Wood Buffalo National Park Game Regulations (Revision)

The *Wood Buffalo National Park Game Regulations* control traditional hunting, trapping and fishing activities by native groups entitled to conduct these activities in the Park. It has been found, over the years, that certain provisions in these regulations do not adequately support national parks resource conservation principles. With the help of the native peoples to whom the Regulations apply, the Regulations will be updated, consolidated and revised to better reflect the natural resource conservation principles for which Parks Canada is known.

Legal authority: *National Parks Act*

Contact: Ms. Sharon Budd, Project Manager, Regulatory Development, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 994-2698; Fax: (819) 994-5140.

HER/97-6-I

National Parks Water and Sewer Regulations

The *National Parks Water and Sewer Regulations* control the operation and administration of water and sewer services provided to residents and businesses in the national parks. The costs associated with providing these services to residents and businesses in the park communities have been reviewed. In order to continue the implementation of new cost-recovery fee structures and/or fee-setting processes, begun in 1996, amendments to these regulations will be required.

Legal authority: *National Parks Act*

Contact: Ms. Sharon Budd, Project Manager, Regulatory Development, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 994-2698; Fax: (819) 994-5140.

HER/97-7-I

National Parks Garbage Regulations

The *National Parks Garbage Regulations* apply to the collection and disposal of garbage in the national parks. The costs associated with providing this service to residents and businesses in the park communities have been reviewed. In order to continue the implementation of new cost-recovery fee structures and/or fee-setting processes, begun in 1996, amendments to these regulations will be required.

Legal authority: *National Parks Act*

Contact: Ms. Sharon Budd, Project Manager, Regulatory Development, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 994-2698; Fax: (819) 994-5140.

HER/97-8-I

National Parks Businesses Regulations

The *National Parks Businesses Regulations* apply to the operation of businesses in the national parks, to the issuance of business licences and to the fees associated with those licences. The costs associated with issuing business licences and monitoring the businesses in the parks have been reviewed. As a result, amendments to these regulations will be required in order to implement new cost-recovery fee structures and/or fee-setting processes.

Legal authority: *National Parks Act*

Contact: Ms. Sharon Budd, Project Manager, Regulatory Development, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 994-2698; Fax: (819) 994-5140.

HER/R-4-L

National Historic Parks Order

As part of the National Historic Sites Directorate's ongoing responsibilities, there may be submissions made in 1997 to set aside national historic sites under the Minister's authority in accordance with Part II of the *National Parks Act*, so that regulations under that Act may apply, and to change headings and descriptions for those lands already set aside. Submissions will be put forward when title is acquired and/or the survey work is complete. There are no costs to the visitor associated with these initiatives. Local communities generally benefit economically from the establishment of national historic sites (parks) in their area. A further benefit is the increased protection of the cultural and natural heritage resources located in these places.

Legal authority: *National Parks Act*

Contact: Mrs. Rosemarie Bray, Chief, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 997-4045; Fax: (819) 953-6146.

HER/96-5-L

Canadian Cultural Property Export Control List

The Canadian Cultural Property Export Control List is established by the *Cultural Property Export and Import Act*. The Control List defines the categories and age and value limits of cultural property for which a Cultural Property Export Permit is required. Generally, cultural property that is greater than 50 years old and made by a person who is no longer living is subject to export control. Although technical amendments were made to the Control List in 1994, at the request of Parliament's Standing Joint Committee for the Scrutiny of Regulations, using the miscellaneous amendments regulations submission, the Control List has not been systematically reviewed or amended since 1986. The proposed amendments will be drafted after consultation with the museum, archive and library communities, as

well as collectors, dealers, customs permit officers and law enforcement officials. These amendments will involve revisions to the types of cultural property that are subject to export control, adjustments to minimum monetary values of cultural property requiring an export permit, and other changes that will simplify the List, making it easier to understand and to use.

Legal authority: *Cultural Property Export and Import Act*

Contact: David A. Walden, Director, Movable Cultural Property, Heritage Branch, Canadian Heritage, 3rd Floor, 15 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 997-7750; Fax: (819) 997-7757.

Future initiatives

National Parks Building Regulations

Amendments to the *National Parks Building Regulations* will strengthen the control of construction in national parks. The Regulations were initially intended to regulate all construction activities in the parks. However, the Regulations provide only for the construction of buildings. Improvements to property such as decks and fences are not covered by the Regulations. In addition, provisions to enable the setting out of terms and conditions in building permits and the suspension or cancellation of building permits will be specified to strengthen and modernize the Regulations. The department will also add provisions respecting the powers of inspection of premises during and after construction of buildings and other structures in the parks.

Classification: Low-cost initiative

Contact: Mr. Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 953-7831; Fax: (819) 994-5140.

Regulations Relating to the Proclamation of Gros Morne National Park

When Gros Morne National Park in Newfoundland is proclaimed, Canadian Heritage will amend or establish various regulations to accord with the terms of the federal-provincial agreement relating to the creation of the Park. Specifically, it will amend the *National Parks General Regulations* to allow local residents to remove sand and gravel for purposes of

construction other than commercial construction. The department will establish *Gros Morne Snowshoe Hare Domestic Harvest Regulations*, in accordance with the Park management plan, to allow for the harvest of snowshoe hares by local residents for domestic purposes. *Gros Morne Timber Harvest Regulations* will be brought into effect, in accordance with the Park management plan, to provide for the cutting and removal of timber in the Park by local residents. Canadian Heritage will revoke the current *Gros Morne Forestry Timber Harvest Regulations*, which were made under the authority of the *Forest Development and Research Act*, and amend the current *National Parks Timber Regulations* to reflect the special circumstances of Gros Morne National Park. These amendments and new regulations are required to meet the terms of the federal-provincial agreement which assures the continuation of certain traditional practices by local residents of the Park.

Classification: Low-cost initiative

Contact: Mr. Gerard Doré, Chief, Legislative and Regulatory Affairs, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0M5. Tel.: (819) 953-7831; Fax: (819) 994-5140.

An Act Respecting the National Battlefields at Quebec

Canadian Heritage plans to repeal the 1908 Act respecting the National Battlefields at Quebec and replace it with a new act that better meets the needs of the 1990s. This legislative proposal would allow the National Battlefields Commission to establish regulations governing traffic, parking and behaviour in National Battlefields Park, and to set suitable fines that could not be contested in court.

Classification: Low-cost initiative

Contact: Louise Germain, Assistant Secretary, National Battlefields Commission, 390 de Bernières Avenue, Quebec, Quebec, G1R 2L7. Tel.: (418) 648-7289; Fax: (418) 648-3638.

Governor in Council Powers

In April 1996, the Government tabled a bill to amend the *Copyright Act* (C-32) in order to strike a fair balance between the need to ensure that creators receive adequate compensation and the need to provide users with reasonable access to works. The *Copyright Act* provides the framework in which the rights of creators are defined. The Governor in

Council will, by this reform, be given the regulatory power to issue general criteria, directives, and instructions to the Copyright Board.

Classification: Low-cost initiative

Contact: René Bouchard, Acting Director, Copyright Policy and Economic Planning, Canadian Heritage, 15 Eddy Street, 4th Floor, Hull, Quebec, K1A 0M5.
Tel.: (819) 997-5638; Fax: (819) 997-5685;
Internet: rene_bouchard@pch.gc.ca

Regulation on the Quality of Service provided by Exclusive Distributors to their Clients

In April 1996, the Government tabled a bill to amend the *Copyright Act* (C-32). This legislation will provide exclusive distributors in the book industry with the tools they need to ensure that their exclusive distribution contracts are respected, with the proviso that they provide adequate service to their clientele. The notion of "adequate service" is to be set out in regulations. Exclusive distributors and their clients will have to establish the parameters of their relationship vis-à-vis price and service. The results of these negotiations will be reflected in regulations under the *Copyright Act*. This amendment will make it possible to strengthen the infrastructure of the Canadian book distribution system, which is essential to the promotion and dissemination of Canadian books. Bookstores and libraries will benefit in the long run as they will be guaranteed a consistent level of service.

Classification: Low-cost initiative

Contact: Allan Clarke, Acting Director, Publishing Policy and Programs, Canadian Heritage, 4th Floor, 15 Eddy Street, Hull, Quebec, K1A 0M5.
Tel.: (819) 997-4099; Fax: (819) 997-4169;
Internet: allan_clarke@pch.gc.ca

Citizenship and Immigration Canada

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General information

Roles and responsibilities

Citizenship and Immigration Canada was established in recognition of the significance of immigration in Canada, and of the links between the immigration function, the citizenship courts, and programs to promote citizenship.

The department consolidates under one minister the following immigration responsibilities: processing of immigration applications overseas and in Canada; visa requirements and refugee matters; enforcement; setting immigration levels and selection criteria; settlement policies and programs; and federal-provincial relations on immigration matters. The department also manages the services, programs and processes necessary for citizenship registration.

The Minister has responsibility for the Immigration and Refugee Board.

Legislative mandate

The Department of Citizenship and Immigration administers the following legislation:

Statutes

- *Citizenship Act*
- *Department of Citizenship and Immigration Act*
- *Immigration Act*

Regulations

- *Citizenship Regulations, 1993*
- *Immigration Act Fees Regulations*
- *Immigration Regulations, 1978*
- *Indochinese Designated Class Regulations*
- *Indochinese Designated Class (Transitional) Regulations*
- *Political Prisoners and Oppressed Persons Designated Class Regulations*
- *Refugee Claimants Designated Class Regulations*
- *Self-Exiled Persons Class Regulations*

Initiatives for 1997

CIC/R-1-M

Citizenship Regulations, 1993 (Cost Recovery)

This regulatory initiative is intended to adjust the existing fees for services chargeable under the Citizenship Registration and Promotion Program. Existing fees may be subject to a general adjustment.

On November 1, 1992, citizenship fees were subjected to a general increase. In addition, the fee for grant of citizenship was increased on April 1, 1993. On February 28, 1995, citizenship fees were subjected to a general increase, and the right of citizenship fee was introduced.

The department initiates cost and revenue analyses for citizenship services as circumstances warrant, to ensure that the fees are appropriate, given the legislative restrictions. Fee changes are introduced based on the results of these analyses.

Legal authority: *Citizenship Act*, section 27; *Financial Administration Act*, sections 19 and 19.1

Contact: Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Finance and Administration Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 4th Floor, Ottawa, Ontario, K1A 1L1.
Tel.: (613) 954-0091; Fax: (613) 957-2775.

CIC/R-2-M

Immigration Act Fees Regulations

This regulatory initiative is intended to adjust the existing fees for services chargeable under the Immigration Program. Existing fees may be subject to a general adjustment.

In June 1994, existing fees for most immigration services were increased, and fees were introduced for two services that had previously been provided free of charge. Cost-recovery fee exemptions were also amended and clarified. On February 28, 1995, the right of landing fee was introduced.

The department initiates cost and revenue analyses for immigration services as circumstances warrant, to ensure that fees are appropriate, given the legislative restrictions. Fee changes are introduced based on the results of these analyses.

Legal authority: *Immigration Act*, section 114; *Financial Administration Act*, sections 19 and 19(1)

Contact: Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Finance and Administration Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 4th Floor, Ottawa, Ontario, K1A 1L1.
Tel.: (613) 954-0091; Fax: (613) 957-2775.

CIC/R-3-L

Immigration Regulations, 1978 - Visitor Visa Requirements

Subsection 9(l) of the *Immigration Act* requires every visitor, except in the cases prescribed by regulation, to apply for and obtain a visa before appearing at a Canadian port of entry. Cases are prescribed through inclusion in Schedule II of the *Immigration Regulations* and exemptions are usually granted on the basis of nationality.

In the event that a serious immigration-control problem involving citizens of a specific country emerges, or that the fraudulent use of a specific, visa-exempt country's documents becomes a serious problem, it may be necessary to amend the Regulations to cancel the visa-exempt status of citizens of such countries. Likewise, as immigration-control problems are resolved usually following socio-political events within a specific country, or in situations where bilateral agreements require that certain categories of visitors be exempt from visa requirements, it may become necessary to add countries to Schedule II. These are ongoing initiatives.

Removals from or additions to the visa-exempt list are reactive measures to counteract abuse of the *Immigration Act* by non-genuine visitors from a specific country, or to provide for exemptions where immigration-control problems are not in evidence. Direct impact on Canadians and the Canadian economy is minimal.

Legal authority: *Immigration Act*, subsections 9(1) and 114(1)

Contact: Brian Grant, Director, Program Development, Enforcement Branch, Citizenship and Immigration Canada, 365 Laurier Avenue West, Journal Tower North, 8th Floor, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-2124; Fax: (613) 952-9187.

CIC/95-3-M

Immigration Regulations, 1978 - Business Immigrant Classes

The department will make changes to the Business Immigration Program in 1997. To help the program contribute to Canada's economic growth and productivity, new regulations will be implemented. A new single definition of "business immigrant" will replace the current definitions of "self-employed," "entrepreneur" and "investor."

Legal authority: *Immigration Act*, section 114

Contact: Don Myatt, Business Immigration Division, Selection Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 7th Floor, Ottawa, Ontario, K1A 1L1. Tel.: (613) 941-9009; Fax: (613) 941-9014.

CIC/95-4-I

Citizenship Regulations, 1993 (General)

If a new *Citizenship Act* is introduced in Parliament, new regulations, essentially procedural in nature, will be required to provide administrative support for the new Act.

Legal authority: *Citizenship Act*, section 27

Contact: Norman Sabourin, Director, Citizenship (Registrar), Integration Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 5th Floor, Ottawa, Ontario, K1A 1L1. Tel.: (613) 952-7273; Fax: (613) 952-0594.

CIC/95-10-I

Immigration Regulations, 1978 - Parent/Guardian Consent to Intercountry Adoption

Canada recognizes foreign adoptions that create a legal relationship of parent and child, and on this basis accepts adoptees as immigrants. It is necessary to amend the *Immigration Regulations* to protect children and their families against illegal adoptions, in cases where examinations by the local child welfare authorities do not fully determine the circumstances of an adoption, or where there is a lack of parental consent. This initiative is intended to provide visa officers with authority to ask for adoption consents, and to determine whether or not birth parents or guardians gave free and informed consent to the child's adoption, where the country of adoption is not a party to the Hague Convention.

Legal authority: *Immigration Act*, section 114

Contact: Nick Oosterveen, Director, Social Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-1147; Fax: (613) 941-9014.

CIC/95-12-M

Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions

To respond more generously to refugees and those in refugee-like situations, a comprehensive review has been conducted to design a class to replace the current system of designated classes and special measures. At the same time, the private sponsorship provisions, by which private groups assist in refugee resettlement, have been restructured. These initiatives are the first major regulatory changes to refugee resettlement and private sponsorship since the late 1970s.

Legal authority: *Immigration Act*, sections 6 and 114

Contact: Gilles Pelletier, Director, Resettlement Division, Refugee Branch, Citizenship and Immigration Canada, 365 Laurier Avenue West, Journal Tower South, 17th Floor, Ottawa, Ontario, K1A 1L1. Tel.: (613) 957-5837; Fax: (613) 957-5836.

CIC/96-7-L

Immigration Regulations, 1978 - Provincial Nominee Designated Class

In keeping with the 10-year strategy commitment to give provinces the opportunity to choose a number of independent immigrants who meet provincial economic objectives, a new class of immigrants will be designated.

This will allow the provinces to take a more active and flexible role in meeting their economic objectives for immigrant selection and will balance each province's needs with overall federal objectives and standards for skilled workers and business immigrants.

The provisions for selection will be specific to each province, as outlined in the relevant federal-provincial agreements.

Legal authority: *Immigration Act*, sections 6 and 114

Contact: Dougall Aucoin, Director, Economic Policy and Programs Division, Selection Branch,

Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-4214; Fax: (613) 941-9323.

CIC/97-1-L

Immigration Regulations, 1978 - Student Authorizations and Letters of Acceptance

Changes will be made to the Regulations which will permit student authorizations to be issued, without a letter of acceptance or proof of financial ability, to elementary- and secondary-school-age dependants of temporary foreign workers who are exempt under subsection 19(1) of the *Immigration Regulations, 1978*, from the need to have an employment authorization. Regulatory amendments introduced in July 1995 removed the requirement for dependants of students and temporary workers to provide letters of acceptance or proof of financial ability to obtain student authorizations to attend primary or secondary school. The intent of the amended regulations was to include dependants of all temporary workers in Canada, not only those who were issued employment authorizations. The wording inadvertently eliminated those dependants of temporary workers in Canada who are exempted by subsection 19(1) of the Regulations from the need to hold employment authorizations (i.e., diplomats, military personnel, clergy).

The amendment to the Regulations supports Citizenship and Immigration Canada's 10-year policy development strategy to work more closely with other departments, Canadian educational institutions and provinces to facilitate recruitment of foreign students from abroad. The amendment also fulfils the department's commitment to clarify and simplify the process for foreign students wishing to study in Canada.

Legal authority: *Immigration Act*, section 114

Contact: Dougall Aucoin, Director, Economic Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-4214; Fax: (613) 941-9323.

CIC/97-2-L

Immigration Regulations, 1978 - Requirement of Student Authorizations for Courses of Less than three Months Duration

Changes to existing regulations will eliminate the requirement for a student authorization for any course of study which is three months or less in duration, rather than the exemption which currently applies to only French or English language training courses of less than three months.

This amendment will provide clarity by eliminating the need for a student authorization for short-term courses. Educational institutions have complained that there is inconsistency in advice received from missions abroad regarding the need for student authorizations, with many prospective students being advised to proceed as visitors, and then encountering problems at ports of entry when they arrive without proper documentation.

Canadian educational institutions have also encouraged this change because of their need to attract international students for these types of programs. Faced with diminishing funding from provincial authorities, institutions are making efforts to develop more fully the revenue potential from short-term programs. Marketing these short-term programs is impeded by confusion about the need to obtain student authorizations, the length of processing time required for the applications, and the associated processing fees.

This amendment to the Regulations supports Citizenship and Immigration Canada's 10-year policy development strategy to work more closely with other departments, Canadian educational institutions and provinces to facilitate recruitment of foreign students from abroad. The amendment also fulfils the department's commitment to clarify and simplify the process for foreign students wishing to study in Canada.

Legal authority: *Immigration Act*, section 114

Contact: Dougall Aucoin, Director, Economic Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-4214; Fax: (613) 941-9323.

CIC/97-3-L

Immigration Regulations, 1978 - Visitor Visa and Student Authorizations

Changes to the Regulations will exempt, from the requirement to apply for and obtain a visitor visa before appearing at a port of entry, any person who is in possession of a valid and subsisting student authorization or employment authorization, and is seeking to return to Canada as a visitor, where the authorization was issued prior to the departure of that person from Canada.

At present, such persons who seek to return to Canada from countries other than the United States or St. Pierre and Miquelon must comply with the visitor visa requirement, unless they are exempted under another section of Schedule II of the Regulations (i.e., citizens of the United Kingdom).

The negative impact of this requirement is evident every summer or mid-term break, when students with valid student authorizations are denied boarding by airlines, for failure to be in possession of valid visitor visa.

The amendment will extend the visa exemption to students and temporary workers who return to Canada from any country, instead of what is currently in place for those who seek to re-enter Canada from the United States or St. Pierre and Miquelon. It will eliminate a requirement which is not well understood by many international students.

This amendment to the Regulations supports Citizenship and Immigration Canada's 10-year policy development strategy to work more closely with other departments, Canadian educational institutions and provinces to facilitate recruitment of foreign students from abroad. The amendment also fulfils the department's commitment to clarify and simplify the process for foreign students wishing to study in Canada.

Legal authority: *Immigration Act*, sections 9, 10 and 114

Contact: Dougall Aucoin, Director, Economic Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 954-4214; Fax: (613) 941-9323.

CIC/97-4-L

Immigration Regulations, 1978 - Courses for which Student Authorizations may be issued and Educational Institutions for which Student Authorizations may not be issued

Subsection 17(1) of the *Immigration Regulations, 1978*, lists types of courses for which student authorizations may be issued. Subsection 17(2) permits the prescription of schools for which student authorizations may not be issued. These schools are listed in Schedule III of the *Immigration Regulations, 1978*. The Regulations do not set out criteria for inclusion in Schedule III. Immigration offices, however, regularly investigate new or unknown schools to ensure they are *bona fide*. Apart from implied authority in the *Immigration Act* and the Regulations to ensure that a school really exists, and offers courses for which student authorizations may be issued, there is no authority for the department to "approve" schools.

This initiative is intended to simplify the classes of educational programs for which student authorizations may be issued, so that they: better accommodate the wide variety and duration of programs sought by international students; are fairer to legitimate private trainers; and reflect Canadian foreign policy which seeks to promote Canadian education abroad. It is also intended to extract the department from its *de facto* role in screening educational institutions which may be attended by international students, and to permit the department to work collaboratively with provincial educational authorities which have the expertise needed to carry out this role.

This amendment fulfils Citizenship and Immigration's commitment in the November 1994 strategic framework to work more closely with other departments, Canadian educational institutions and provinces to facilitate recruitment of international students. It also fulfils the department's commitment to clarify and simplify the process for persons wishing to study in Canada.

Legal authority: *Immigration Act*, sections 10 and 114

Contact: Dougall Aucoin, Director, Economic Policy and Programs Division, Selection Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario K1A 1L1. Tel. (613) 954-4214; Fax: (613) 941-9323.

CIC/97-5-L

Citizenship Regulations, 1993 - Citizenship Judges

Proposed amendments to the *Citizenship Act* were contained in an omnibus bill tabled in the House of Commons on June 14, 1996. It is expected that these amendments will come into effect in January 1997. Consequently, the department will be replacing the current citizenship approval process with a revised and simplified process which does not require the position of Citizenship Judge.

The above change will require the adoption of new regulations to ensure proper administrative support for the revisions to the *Citizenship Act*.

Legal authority: *Citizenship Act*, section 27

Contact: Norman Sabourin, Director, Citizenship (Registrar), Integration Branch, Citizenship and Immigration Canada, 300 Slater Street, Journal Tower North, 5th Floor, Ottawa, Ontario, K1A 1L1. Tel.: (613) 952-7273; Fax: (613) 952-0594.

Future initiative

Immigration Regulations, 1978 - Alternate Manners of Examining Persons Seeking to Enter Canada

In keeping with the initiatives announced by Canada and the United States on February 24, 1995, it will be necessary to amend the Regulations respecting alternative manners of examination, by providing greater flexibility in the management of various examination processes. The new regulations will require persons to carry proof of their enrolment in a specific alternative examination program, and to present this documentation upon request when entering Canada.

This initiative appeared in the 1996 *Federal Regulatory Plan* as CIC/95-18-L. However, legislative amendments to the *Immigration Act* will be necessary to implement these new regulations.

Classification: Low-cost initiative

Contact: Brian McQuillan, Director, Port of Entry Management, Enforcement Branch, Citizenship and Immigration Canada, Journal Tower North, 8th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 941-9026; Fax: (613) 952-6319.

Environment Canada

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Future initiatives

Environmental Protection Service

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Regulatory approach

As part of a government-wide initiative that began in 1992, Environment Canada undertook a review of its regulations to identify those regulations that significantly hinder Canadian competitiveness or impose needless costs on consumers. The review identified opportunities for streamlining, simplification and consolidation. As a result, amendments are being made to some regulations administered by the department.

To achieve progress in environmental protection and conservation, Canada is accelerating its shift to pollution prevention. Both government and the private sector are already moving away from "react and cure" solutions to "anticipate and prevent" actions in support of sustainable development.

In moving towards pollution prevention, Environment Canada is examining alternative approaches such as economic instruments, non-regulatory tools and voluntary agreements. This will ensure a balanced use and combination of the tools available to effect environmental improvement.

Consistent with the objectives of regulatory reform, Environment Canada is using a process to assess alternative options as a means of determining the most effective and efficient mechanism or combination of mechanisms to manage environmental issues, including substances assessed as toxic under the *Canadian Environmental Protection Act*. Using existing scientific, technical and socio-economic information, the process takes a multistakeholder approach to the review of all feasible technical options to address an environmental problem, including in-plant pollution prevention options and all possible measures to achieve the desired objective.

Renewed harmonization efforts are currently underway under the auspices of the Canadian Council of Ministers of the Environment (CCME). The CCME is developing a National Accord on Environmental Harmonization which sets the commitment to achieve, through partnership, the highest level of environmental quality for all Canadians. The Accord will guide the development of sub-agreements which will implement the commitment of the Accord. The priority areas for developing sub-agreements are environmental standards, inspections and environmental assessment. These renewed harmonization efforts will seek to eliminate duplication of environmental regulations and therefore bring greater efficiency and effectiveness in government action on the protection of the environment.

In the pulp and paper sector, another priority area for making progress in harmonization, Environment Canada is working with the provinces and the territories to harmonize the administration of environmental regulations. Similarly, in the mining sector, administrative agreements with the provinces regarding monitoring of environmental regulations will be pursued. In addition, a multistakeholder process involving industry, the provinces, environmental non-governmental organizations and other federal departments will be undertaken to assess how *Metal Mining Liquid Effluent Regulations* will be strengthened, and at the same time take into consideration the overall harmonization effort, which may result in Canada-wide standards, possibly implemented by provincial, not federal regulations.

The initiatives listed in the 1997 *Federal Regulatory Plan* include only those programs where there is certainty that regulations will be developed, and not where a range of options currently are being reviewed.

General information

Roles and responsibilities

Environment Canada's statutory mandate is derived from the *Government Organization Act*, 1970. The act establishes the powers and duties of the Minister of the Environment including all matters over which Parliament has jurisdiction relating to preservation of the natural environment and enhancement of its quality, including water, air and soil quality; conservation of wildlife, including migratory birds and non-domestic flora and fauna; conservation of water resources and enforcement of rules and regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada relating to the preservation and enhancement of environmental quality; meteorology, and other federal matters relating to the natural environment assigned to the Minister.

In addition, the Act specifies the duties of the Minister in carrying out these responsibilities, including programs to promote adoption of objectives or standards relating to environmental quality and pollution control; to mitigate the adverse environmental impact of new federal projects; and to provide Canadians with environmental information.

Finally, the Act also provides the Minister with the legislative means to implement international environmental agreements to which Canada is a party.

Legislative mandate

The Minister of the Environment administers the following acts:

- *Canada Water Act*
- *Canada Wildlife Act*
- *Canadian Environment Week Act*
- *Canadian Environmental Protection Act*
- *Department of the Environment Act*
- *Game Export Act*
- *International River Improvements Act*
- *Lac Seul Conservation Act*
- *Lake of the Woods Control Board Act*
- *Migratory Birds Convention Act*
- *National Round Table on the Environment and the Economy Act*

- *National Wildlife Week Act*
- *Resources and Technical Surveys Act*
- *Weather Modification Information Act*
- *Wild Animal and Plant Protection Act and Regulation of International and Interprovincial Trade Act*

Administrative arrangements

The department administers sections 36 to 42 of the *Fisheries Act* on behalf of the Department of Fisheries and Oceans. These provisions contain the general prohibition against deposit of any harmful or deleterious substance into waters frequented by fish and describe regulatory authorities, inspectors' powers, ministerial powers, offences and penalties.

Further, the department has an advisory role for the administration of other legislation for which other federal departments are responsible, but where scientific technical advice on environmental impacts is required. Examples of such legislation are the *Motor Vehicle Safety Act*, the *Arctic Waters Pollution Prevention Act*, the *Northern Inland Waters Act*, the *Pest Control Products Act* and the *Transportation of Dangerous Goods Act*.

The *Canadian Environmental Protection Act* (CEPA) is "an Act respecting the protection of the environment and human life and health." Its mandate covers toxic substances throughout the ecosystem and may control any stage of a product's life cycle. A statutory five year review of the Act was initiated in June 1994. The objective of the renewed CEPA is to contribute to sustainable development by being conducive to both pollution prevention and industrial competitiveness. The legal text of the revised CEPA, which is now being drafted, is expected to be completed by the end of 1996. The renewed CEPA is scheduled to be promulgated in the Spring of 1997 in fulfilment of a commitment made in *Creating Opportunity: The Liberal Plan for Canada*.

Initiatives for 1997

Environmental Protection Service

EC/97-1-L

Export and Import of Hazardous Waste Regulations

Amendments to the *Export and Import of Hazardous Waste Regulations* will be put forward in 1997 in the following categories:

Definition of waste and recyclable materials - The definition of wastes and recyclable materials will be decoupled. For those wastes and recyclable materials that exhibit a hazard characteristic, definitions and criteria for all hazard classes will be provided for in the regulations. The decoupling of the definition of wastes and recyclable materials in this manner is in the best interests of waste reduction, the environment, and industry competitiveness. This initiative also will harmonize the definition with that of the *Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal*, and the Organization for Economic Cooperation and Development.

Reduction/phase-out of quantity of hazardous waste exported for disposal - The amendments will require exporters to have plans for reducing and phasing-out the amount of hazardous waste that is being exported for the sole purpose of final disposal. This could include plans to reduce at source, recycle or recover material from any waste stream being exported for final disposal. In accordance with Canada's obligations under the *Basel Convention*, these reduction phase-out plans would identify the reason for export. Hazardous wastes being exported for the sole purpose of recycling would not be affected by this provision.

Ban of exports and imports of hazardous wastes and other wastes - This amendment will allow Canada to ban the export and import of hazardous and non-hazardous solid wastes to and from any country when required under international environmental agreements to which Canada is a party, in accordance with our international commitments.

Non-hazardous solid wastes are being included in recognition of the large quantities being imported and exported between Canada and the United States, and that the *Canada-U.S. Agreement on the Transboundary Movement of Hazardous Waste* was amended in 1992 to include municipal solid wastes. The *Basel Convention* also includes provisions for the control of non-hazardous solid wastes. The export and import of non-hazardous solid waste regulations will implement a prior consent procedure provided for in these agreements.

Environmentally sound management - Amendments to the regulations also will allow Canada to refuse the export or import of a hazardous waste if the waste in question is not to be managed in an environmentally sound manner, in accordance with international agreements to which Canada is a party. Canada has a responsibility under the *Basel Convention* to ensure that any import and export of hazardous waste to and

from Canada is managed in an environmentally sound manner.

Cost recovery - Finally, the regulations will be amended to ensure that costs related to the program are recovered.

Legal authority: appropriate authority to be included in renewed *Canadian Environmental Protection Act*

Contact: John Myslicki, Chief, Transboundary Movements Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1390; Fax: (819) 997-3068.

EC/97-2-L

Interprovincial/Territorial Movements of Hazardous Wastes Regulations

These regulations will control the interprovincial/territorial movement of hazardous recyclables destined for recovery operations and hazardous wastes for final disposal through a manifest system to ensure such movements are properly tracked and destined for environmentally sound facilities.

These controls, which are currently in place, are being transferred from the *Transportation of Dangerous Goods Act* and its regulations. The authority under the Act, however, to deal with the transportation safety aspects of such waste shipments will remain intact.

The regulations will implement a cost recovery system for services provided.

Legal authority: appropriate authority to be included in renewed *Canadian Environmental Protection Act*

Contact: John Myslicki, Chief, Transboundary Movements Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1390; Fax: (819) 997-3068.

EC/97-3-L

Benzidine Regulations

Arising from the broad assessment of alternatives, stakeholders determined that regulation of benzidine was the best control method. The regulations would restrict the use of benzidine to research, laboratory applications, and to essential applications where there is no substitute.

Benzidine was a substance on the Priority Substances List (PSL1). It was determined to be toxic as defined by the *Canadian Environmental Protection Act*.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: L. P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

EC/97-4-I

Federal Boiler Emission Regulations

Increasing concern for the human health impacts of smog has led to the development of a number of initiatives under the Canadian Council of Ministers of the Environment (CCME) for controlling sources of nitrogen oxides (NO_x). One of these initiatives - NO_x space emission guidelines for new and modified commercial/ industrial boilers - is nearing completion and is expected to be published in 1997. Provinces are expected to implement the guidelines via regulatory/ permit processes. Environment Canada proposes to publish regulations and guidelines to ensure that similar new and modified boilers at federal facilities meet similar emission standards.

Legal authority: *Canadian Environmental Protection Act*, sections 53 and 54

Contact: Ross White, Chief, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environmental Protection Service, Environment Canada, 10th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

EC/97-5-L

List of Toxic Substances Authorities

The List of Toxic Substances Authorities provides Canadian exporters of substances listed on the List of Toxic Substances Requiring Export Notification contacts in potential importing countries to whom the notice must go. The list of authorities (including telephone numbers, fax numbers and addresses) are constantly changing and the list requires periodic updating.

Legal authority: *Canadian Environmental Protection Act*, subsection 42(2)

Contact: L. P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

EC/97-6-L

Prohibition of Certain Toxic Substances Regulations

"New substances" assessors have evaluated (4-chlorophenyl) cyclopropylmethanone, O-[(4-nitrophenyl) methyl]oxime and have determined that the manufacture or import of the substance be prohibited. The prohibition was imposed on December 21, 1995 (paragraph 29(1)(b) of the *Canadian Environmental Protection Act*). It is in effect for two years.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: L. P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

EC/97-7-L

Tetrachloroethylene Regulations (In dry Cleaning Sector)

Tetrachloroethylene was a substance on the Priority Substances List (PSL1). It was determined to be toxic as defined by the *Canadian Environmental Protection Act*. After assessing all management options, stakeholders have recommended that a regulation be developed phasing-out/retrofitting old dry cleaning equipment that is responsible for emissions. In addition, they also recommended that standards be developed for new dry cleaning equipment.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: Ed Wituschek, Commercial Chemicals Division, Environment Canada, Pacific & Yukon Region, 224 West Esplanade, North Vancouver, B.C. V7M 3H7. Tel.: (604) 666-2815; Fax: (604) 666-6800.

EC/97-8-M

Trichloroethylene and Tetrachloroethylene Regulations (In solvent Degreasing Operations)

Trichloroethylene and Tetrachloroethylene are substances on the Priority Substances List (PSL1). They were determined to be toxic as defined by the *Canadian Environmental Protection Act*. The recommendation of stakeholders is to develop a regulation imposing a cap on the use of these solvents (in degreasing operations) equivalent to 35% of base line use that will be established in 1997-1998.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: John Prinsen, Chief, Chemical Industries Division, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 13th floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-3640; Fax: (819) 953-5595.

EC/97-9-L

Spill Reporting Regulations

The *Spill Reporting Regulations* will ensure appropriate reporting of spills of deleterious substances under the *Fisheries Act* to Environment Canada or to provinces that have spill reporting regulations in place.

The Environmental Emergencies Branch has prepared a Consolidation of Canadian Spill Reporting Requirements containing excerpts from all relevant federal and provincial legislation pertaining to spill reporting.

Legal authority: *Fisheries Act*, subsection 38(9)

Contact: Guy Martin, Senior Investigator, Office of Enforcement, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-2801; Fax: (819) 953-3459.

EC/96-2-L

Ocean Dumping Regulations, 1988 and Canadian Environmental Protection Act, Part VI

The *Canadian Environmental Protection Act* (CEPA), Part VI, *Ocean Dumping* and the *Ocean Dumping Regulations* are used to control the disposal of substances at sea from ships, platforms and other structures. CEPA, Part VI is the national enabling legislation for the London Convention 1972 (LC72), which is in the process of being amended. CEPA, Part

VI will need to be amended to correspond with the results of the 1996 Diplomatic Conference. Consultation with the public, industry and other government departments on the proposed convention amendments took place in 1994 and 1995. The regulations will be amended to permit the charging of a fee based on volume disposed in addition to the current application fee.

Canada supports the proposed amendments for:

- the inclusion of internal waters;
- definition of the precautionary approach;
- definition of marine pollution;
- a reverse listing approach along with the Waste Assessment Framework;
- prohibiting the export of wastes to other countries for sea disposal; and
- strengthening co-operation and assistance.

Legal authority: *Canadian Environmental Protection Act*, Part VI

Contacts: John Karau, Chief, Marine Environment Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-2264; Fax: (819) 953-0913; and Jim Osborne, Head, Ocean Disposal and Shellfish, Marine Environment Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-2265; Fax: (819) 953-0913.

EC/96-3-I

Management of Ozone-depleting Substances and their Alternatives (Hydrofluorocarbons) at Federal Facilities

Canada, as a party to the *Montreal Protocol on Substances that Deplete the Ozone Layer*, must not only take the necessary measures to implement the requirements of this treaty, but must also support and supplement domestic measures to prevent releases to the environment. Currently, federal regulations are in place for production and import, while provinces have regulatory requirements for recovery/recycling and releases. There are no mandatory requirements that apply to federal facilities for the management of ozone-depleting substances (ODS) to prevent and eliminate emissions. The recommended option is a regulation under Part IV of the *Canadian Environmental Protection Act*. It is intended to develop appropriate standards of performance applicable to federal

operations that ensure proper management of ODS, and their fluorocarbon alternatives, to prevent and eliminate releases to the environment.

Legal authority: *Canadian Environmental Protection Act*, section 54

Contact: A. Stelzig, Chemical Industries Division, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1131; Fax: (819) 953-5595.

EC/96-4-M

Alice Arm Tailings Deposit Regulations (Revocation)

As a result of the department's Regulatory Review, the above regulation will be repealed or amended after consultation with stakeholders. The regulations authorized the mine to deposit mine tailings into the bottom of Alice Arm, a fiord on the coast of British Columbia; however, the mine has been closed since 1982.

Legal authority: *Fisheries Act*, section 36

Contact: Vic Niemela, Director, Environmental Protection Branch, Pacific and Yukon Region, Environment Canada, 224 West Esplanade, North Vancouver, B.C., V7M 3H7. Tel.: (604) 666-0064; Fax: (604) 666-7463.

EC/96-5-L

Dehydrator Emissions Regulations

Benzene, a known carcinogen, has been found toxic under the *Canadian Environmental Protection Act*. Benzene emissions from natural gas dehydrators are second only to gasoline use in transportation as the largest benzene emission sources in Canada. These dehydrator emissions regulations will restrict the release of benzene from natural gas dehydrators. A range of management options, including regulations, have been assessed to control benzene dehydrator emissions.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contacts: Barry Munson/Daniel Woo, Prairie and Northern Region, Environmental Protection, Environment Canada, 4999-98 Avenue, Edmonton, Alberta, T6B 2X3. Tel.: (403) 951-8733/(403) 951-8734; Fax: (403) 495-2615.

EC/96-6-L

Ozone-Depleting Substances - Hydrochlorofluorocarbons (HCFCs) and Chlorofluorocarbons (CFCs)

Canada, as a party to the *Montreal Protocol on Substances that Deplete the Ozone Layer*, must take the necessary measures to implement the requirements of this international treaty. The Canadian government is also committed to supplementary domestic measures with regard to HCFCs.

Implementation of an HCFC substance-by-substance ban similar to the one being implemented by the United States is being considered for Canada. If justified, the *Ozone-Depleting Substances Regulations* will be amended to incorporate the measure into the current controls.

Canada also is committed to limit HCFCs to uses where more acceptable alternatives do not exist. The United States has already prohibited the use of HCFCs in certain applications: aerosols, certain solvent uses and flexible foam blowing. A decision will be taken as to which use controls are feasible in Canada. The *Ozone-Depleting Substances Products Regulations* will be amended to incorporate these controls.

Canada is also considering prohibiting the manufacturing and importation of new products containing CFCs such as car air conditioners, refrigerators and commercial refrigeration and air conditioning equipment. Costs associated with this measure should be small as no new products containing CFCs are being manufactured or imported in developed countries since January 1, 1996. Furthermore, the new products that replace these CFC-containing products are already available on the Canadian market. The *Ozone-Depleting Substances Products Regulations* would be amended to incorporate these controls.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: Bernard Madé, Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936; E-mail: MADEB@msm1s2.sid.nrc.ca

EC/96-7-L

Control of Hydrofluorocarbons (HFCs)

HFCs, which are replacements to CFCs and other ozone-depleting substances, have a significant global warming potential. Options are being considered to limit HFC uses to the replacement of ozone-depleting substances uses as a pollution prevention measure. Costs associated with this measure should be small, as new uses of HFCs do not appear to have occurred on a large scale.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: Bernard Madé, Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936; E-mail: MADEB@msm1s2.sid.nrc.ca

EC/96-8-L

PCB Waste Management Regulations

These regulations will result from combining the existing national *PCB Storage Regulations* and the existing *Federal Mobile PCB Treatment and Destruction Regulations*. This work follows up from the Environment Canada Regulatory Review recommendations.

This initiative is a modified version of EC/96-8-L, which appeared in the 1996 *Federal Regulatory Plan*.

Legal authority: *Canadian Environmental Protection Act*, section 54

Contact: Dave Campbell, Waste Treatment Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1119; Fax: (819) 953-0509.

EC/96-9-M

Cleaner Gasoline Regulations

These regulations will reduce the concentration of benzene in gasoline, limit the predicted emissions of benzene from the exhaust of gasoline-powered vehicles, and limit the sulphur content of gasoline. Benzene, a known human carcinogen, has been found toxic under the *Canadian Environmental Protection Act*.

The primary source of benzene emissions in Canada is from the combustion of gasoline in vehicles. Sulphur

in gasoline reduces the efficiency of vehicle emission control catalysts, and leads to emissions or formation of respirable particulates, nitrogen oxides, hydrocarbons, and benzene and other toxic substances. These regulations set an interim sulphur content in gasoline, pending the determination of the final level. The cost of the requirements are estimated to be about a third of a cent per litre.

This initiative is a modified version of EC/96-9-I (Gasoline Regulation - Benzene), which appeared in the 1996 *Federal Regulatory Plan*.

Legal authority: *Canadian Environmental Protection Act*, section 47

Contact: Ross White, Chief, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environmental Protection Service, Environment Canada, 10th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

EC/95-4-L

Potato Processing Plant Liquid Effluent Regulations (Repeal)

As a result of the Department's Regulatory Review, these regulations will be repealed after updating industry inventories and conducting consultations with involved stakeholders. The decision is consistent with the federal government's efforts to avoid duplication of provincial efforts, since a large percentage of the industry's effluents goes to municipal sewers.

Legal authority: *Fisheries Act*, section 36

Contact: Jim Haskill, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-6629; Fax: (819) 994-7762.

EC/95-5-L

Meat and Poultry Products Liquid Effluent Regulations (Repeal)

As a result of the Department's Regulatory Review, these regulations will be repealed after updating industry inventories, and conducting consultations with involved stakeholders. This decision is consistent with the federal government's endeavour to avoid duplication of provincial efforts, since a large percentage of the industry's effluents goes to municipal sewers.

Legal authority: *Fisheries Act*, section 36

Contact: Jim Haskill, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-6629; Fax: (819) 994-7762.

EC/95-3-L

Pulp and Paper Effluent Regulations

Amendments to the *Pulp and Paper Effluent Regulations* under section 36 of the *Fisheries Act* were published in the *Canada Gazette* in May 1992. The regulations came into effect for all mills on January 1, 1996. During the interim period, it has become clear that further relatively minor amendments should be considered to improve the clarity and uniformity of application of the regulations.

Legal authority: *Fisheries Act*, section 36

Contact: Hugh Cook, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-3714; Fax: (819) 994-7762.

EC/94-5-I

Chlorobiphenyls Regulations

The *PCB Regulations* are intended to replace the *Chlorobiphenyls Regulations*. They will clarify prohibitions and exemptions of PCBs in any product manufactured in, or imported into, Canada. The amendment will also specify levels at which a product can be sold, used or released to the environment.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: L. P. Fedoruk, A/Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

EC/94-6-L

Hazardous Waste Management at Federal Facilities

An assessment has been carried out and the appropriate control option is being identified concerning the requirements of on-site and off-site management of hazardous waste. The control option

will be consistent with provincial regulations governing the operations of federal facilities as well as industries under federal jurisdiction. The control option is needed to ensure that federal facilities are held accountable for their management of hazardous wastes.

Legal authority: *Canadian Environmental Protection Act*, section 54

Contact: Dave Campbell, Waste Treatment Division, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3.
Tel.: (819) 953-1119; Fax: (819) 953-0509.

Future initiatives

Ozone-Depleting Substances Regulations - Methyl Bromide

Methyl bromide is a pesticide that was identified as an ozone-depleting substance in 1991. Under the current *Ozone-Depleting Substances Regulations*, methyl bromide consumption was frozen at its 1991 level starting January 1, 1995. These regulations also require a 25 percent reduction of consumption starting January 1, 1998. Quantities used in quarantine and pre-shipment applications are exempted from these controls.

In the fall of 1995, following multistakeholder consultations, Canada decided to adopt a similar position to that of the United States and phase-out its methyl bromide consumption on January 1, 2001. This phase-out would be subject to exemptions for quarantine and pre-shipment uses and to critical agricultural uses to be defined under the *Montreal Protocol on Substances that Deplete the Ozone Layer*.

In the past, different regulatory and non-regulatory control alternatives have been considered for other ozone-depleting substances being phased-out, with the conclusion that regulatory action was the only acceptable means of implementing such a requirement. It is therefore proposed to amend the *Ozone-Depleting Substances Regulations* (ODSR) to include the phase-out date for methyl bromide and any exceptions to this phase-out. Canada will reconsider its position, prior to amending the ODSR, if the predicted availability of alternatives changes due to significant changes in foreign initiatives.

Consultations with stakeholders will include information and consultation meetings and request for written comments on proposed amendments.

Classification: Major initiative

Contact: Bernard Madé, Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936; E-mail: MADEB@msm1s2.sid.nrc.ca

Cleaner Gasoline Regulations

Environment Canada intends to review, by July 1998, those provisions of the proposed *Cleaner Gasoline Regulations* setting out requirements for the level of sulphur and control of toxics emissions. Changes to those requirements may be made, as appropriate, taking into account results from the assessment of substances on the second Priority Substances List, and ongoing studies examining sulphur.

Classification: Major initiative

Contact: Ross White, Chief, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environmental Protection Service, Environment Canada, 10th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

Environmental Conservation Service

Migratory Birds - Annual Game Bird Hunting

The *Migratory Birds Regulations* are amended annually to identify season dates, hunting areas, species which may be hunted, and bag and possession limits, in order to protect the species from over-exploitation.

The consultation process used to determine dates and numbers begins in December each year when suggested changes to the regulations are presented for discussion, based on the status of migratory game bird populations in Canada. The proposals are developed jointly among the Canadian Wildlife Service and the provinces and territories, and in consultation with established wildlife co-management boards. Federal biologists in Canada and the United States, provincial and territorial biologists, migratory game bird hunters, non-government organizations and native groups receive the document. Based on their responses, revisions are made and a second document specifying the proposed changes to the hunting regulations is distributed in April.

Non-toxic shot hunting zones are also designated in order to reduce the potential for lead poisoning of waterfowl caused by the ingestion of lead shot pellets which remain in wetlands after hunting. In 1996, the use of lead shot was banned for waterfowl hunting in National Wildlife Areas. In 1997, a national ban on the use of lead shot for waterfowl hunting will be made. For more information on the banning of lead, see *Migratory Birds Regulations - National Ban on Lead Shot*. Adequate populations of migratory game birds must be maintained to sustain the benefits of these species and to prevent them from becoming threatened or endangered.

According to estimates based on the 1991 Statistics Canada National Survey on the Importance of Wildlife to Canadians, migratory bird populations generated over \$53 million of annual direct benefits to Canadian participants in recreational waterfowl hunting activities. \$177 million in expenditures was associated with all these activities. These expenditures resulted in a contribution of almost \$223 million to the Gross Domestic Product, and sustained over 4,000 jobs. Federal and provincial tax revenue from expenditures associated with these activities was estimated at \$98 million.

Time constraints necessitate an annual request for exemption from pre-publication in Part I of the *Canada Gazette*.

Classification: Low-cost initiative

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

Migratory Birds (General)

As part of a government-wide initiative beginning in 1992, Environment Canada undertook a review of, among other regulations, the *Migratory Birds*, *Migratory Bird Sanctuary* and *Wildlife Area Regulations*, to improve Canada's competitiveness and environmental sustainability. As a result of this review and of a previous review initiated by the Canadian Wildlife Service, amendments have been made and will continue to be made to these Regulations.

Two amendments will be proposed to the *Migratory Birds Regulations* relating to corporations that train dogs as retrievers, and falconry hunting. No additional costs will be incurred to enforce these amendments.

The retriever amendment will increase to 200 the number of carcasses of migratory game birds that corporations may have in their possession for the purpose of training dogs as retrievers. Retriever clubs have argued that the current limit of 125 carcasses is not sufficient. The use of retrievers in waterfowl hunting is considered an excellent conservation technique.

The falconry hunting amendment will allow migratory game birds to be hunted with the aid of raptors, where an area is designated for falconry hunting by the province. Due to the low success rate, this method of hunting has no great impact on bird populations.

Also in 1997, amendments to the *Migratory Birds Regulations* will be proposed relating to the following matters:

- modification of hunting techniques;
- removal of discretionary permit category as ultra vires (replaced by new categories of permits);
- regulations providing for the taking of murrelets; and
- regulations providing for a new late summer season for sport hunting in the Yukon and Northwest Territories.

Finally, as a result of excessively large populations of geese, some prohibited hunting techniques may be temporarily relaxed, for certain species and in certain areas, for conservation purposes.

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the U.S. Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, others who are or may be affected by these proposals, such as the retriever clubs and falconry hunters, will be advised of these proposals.

The retriever and falconry hunting proposals appeared in the 1996 *Federal Regulatory Plan* as EC/96-11-L.

Classification: Low-cost initiative

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

Migratory Birds Regulations - A National Ban on Lead Shot

The use of lead shot in waterfowl hunting has been shown to cause significant lead poisoning of birds in Canada. As a result, in 1996, Environment Canada banned the use of lead shot in National Wildlife Areas (NWAs). In 1997, the use of lead shot for hunting migratory birds across Canada will be instituted. For more information on the banning of lead, see *Migratory Birds - Annual Game Bird Hunting*.

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the U.S. Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, anyone else who is or may be affected by these proposals, such as residents who live nearby and users of the NWAs, will be advised of these proposals.

Classification: Low-cost initiative

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

Wildlife Area Regulations - Cap Tourmente National Wildlife Area Hunt Fee Increase

The Cap Tourmente National Wildlife Area has been managed by the Canadian Wildlife Service (CWS) since 1969. Controlled "traditional" (guided) and self-guided hunts, introduced by CWS in 1972 and 1986, respectively, are designed to disperse large concentrations of geese to avoid overgrazing. Eligible hunters are chosen by computerized draw each spring from among approximately 5,000 applicants.

In 1997, the *Wildlife Area Regulations* will be amended to increase the entrance fees for admission to Cap Tourmente, increase the registration and permit fees for the guided and self-guided hunts, introduce a new permit for a daily hunt, and list all application fees and the cost of the various permits in a Schedule to the Regulations.

Classification: Low-cost initiative

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd.,

Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

Wildlife Area Regulations - Establishment, Transfer or Change to Boundaries of National Wildlife Areas

The *Wildlife Area Regulations* will be amended to establish the following National Wildlife Areas (NWAs): Igalirtuuq (Isabella Bay) in the Northwest Territories; Kentville Ravine in Nova Scotia; CFB Suffield in Alberta; and Iles de Varennes in Quebec. In addition, the Regulations will be amended to change the boundaries of existing NWAs: Iles de Contrecoeur, Iles de L'Estuaire, Pointe-au-Père and Baie de l'Isle-Verte in Quebec; Tintamarre and Shepody in New Brunswick; and Chignecto in Nova Scotia. Other NWAs, not listed, may be designated or their boundaries changed through amendments. The amendments will conserve key habitat for wild organisms.

NWAs, like other protected areas, play an important educational role in making Canadians aware of their natural heritage and instilling respect for the ecosystems on which all life depends. Protected areas are of importance in Canada and internationally, in terms of both tourism and prestige. Benefits also accrue locally. Significant economic opportunities for local service-related businesses can result from NWAs.

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the U.S. Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, anyone else who is or may be affected by these proposals, such as residents living nearby and users of the areas, will be advised of these proposals.

This is a new initiative, except for CFB Suffield, Tintamarre, Chignecto and Baie de l'Isle-Verte, which appeared in the 1996 *Federal Regulatory Plan* as EC/96-13-L. Igalirtuuq, Shepody, Iles de Contrecoeur and L'Estuaire appeared in the 1995 *Federal Regulatory Plan* as EC/95-16-O-L.

Classification: Low-cost initiative

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Migratory Bird Sanctuary Regulations - Revocation/Establishment of Migratory Bird Sanctuaries

The *Migratory Bird Sanctuary Regulations* will be amended to establish Inkerman Bird Sanctuary in New Brunswick. In addition, the Cape Dorset Bird Sanctuary in the Northwest Territories and Pinafore Park Bird Sanctuary in Ontario will be revoked. Cape Dorset was established in 1957 to protect a common eider colony. However, the area has limited biological value, because now very few eiders populate the area. Pinafore Park is also now of minimal conservation value. Established Migratory Bird Sanctuaries are regularly reviewed to ensure that they still benefit migratory birds and thus warrant sanctuary status. These amendments are as a result of these reviews.

Please refer to the information provided relating to *Wildlife Area Regulations* for a description of the benefits derived from protected areas such as sanctuaries.

The Cape Dorset and Pinafore Park initiatives appeared in the 1996 *Federal Regulatory Plan* as EC/96-17-L. The Inkerman initiative is new.

Classification: Low-cost initiative

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General information

Roles and responsibilities

Finance Canada operates under sections 14-16 of the *Financial Administration Act*, which provides the

Minister with the broad responsibility for the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board of Canada or to any other Minister.

Finance Canada is the central agency of the federal government responsible for advice on the economic and financial affairs of Canada. It is concerned with all aspects of the performance of the Canadian economy. It oversees all government actions affecting the economy to ensure harmony, follows the development of external factors that bear on domestic economic performance, and examines the economic actions taken by other orders of government.

The department's most visible output is the federal budget. The budget speech provides an authoritative review of past, present and future economic factors that will affect the country's economic performance and the nation's finances. This document reviews the government's accounts and presents its fiscal projections. These include the government's expenditure program, revenues from existing sources, taxation changes and debt levels.

Legislative mandate

Finance Canada is wholly or partly responsible for administering the following acts:

- *Bank Act*
- *Bank of Canada Act*
- *Bills of Exchange Act*
- *Bretton Woods and Related Agreements Act*
- *Canada Deposit Insurance Corporation Act*
- *Canada Development Corporation Reorganization Act*
- *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Part IV)*
- *Canada Pension Plan Act*
- *Canadian International Trade Tribunal Act*
- *Canadian Payments Association Act*
- *Canadian Wheat Board Act*
- *Cooperative Credit Association Act*
- *Currency Act (Part II)*
- *Customs and Excise Offshore Application Act*
- *Customs tariff*
- *Debt Servicing and Reduction Account Act*
- *Diplomatic Service (Special) Superannuation Act*
- *European Bank for Reconstruction and Development Agreement Act*
- *Excise Act*
- *Excise Tax Act*
- *Federal-Provincial Fiscal Revision Act*

- *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act*
- *Financial Administration Act*
- *Financial Institutions Depositors Compensation Act*
- *Fisheries Improvement Loans Act*
- *Garnishment, Attachment and Pension Diversion Act*
- *Income Tax Act*
- *Income Tax Convention Acts and Income Tax Conventions Interpretation Act*
- *Insurance Companies Act*
- *Interest Act*
- *Maritime Provinces Additional Subsidies Act*
- *Newfoundland Additional Financial Assistance Act*
- *Office of the Superintendent of Financial Institutions Act*
- *Pension Benefits Standards, 1985 Act*
- *Prince Edward Island Subsidy Act*
- *Proceeds of Crime (Money Laundering) Act*
- *Provincial Subsidies Act*
- *Public Utilities Income Tax Transfer Act*
- *Special Import Measures Act*
- *Spending Control Act*
- *St. Lawrence Seaway Authority Act*
- *Trust and Loan Companies Act*
- *Winding up Act (Parts II & III)*

Initiatives for 1997

International Trade and Finance Branch

Fin/R-1-I

Temporary Reduction, Removal or Drawback of Customs Duties

In response to requests from Canadian manufacturers, tariff rates on inputs to manufacturing processes are sometimes temporarily reduced or eliminated when like or substitutable products are not available from Canadian production. These rate reductions are introduced through amendments to the *Customs Duties Reduction or Removal Order, 1988*; the *Chemicals and Plastics Duties Reduction or Removal Order, 1988*; and Schedule V to the *Customs Tariff*. These orders are amended from time to time to extend the duty relief period or to restore the statutory tariff rates.

As a result of recent changes to the *Customs Tariff* (Bill C-102), individual tariff reduction orders may be introduced in the future to amend Schedule I to the *Customs Tariff* to include tariff reductions on manufacturing inputs directly in the statute, for greater clarity.

Tariff reductions on inputs strengthen Canadian manufacturing capacity by assisting Canadian

manufacturers to compete more effectively in the domestic market against imports from other countries. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to other Canadian producers.

Legal authority: *Customs Tariff*, sections 68, 71 and 72

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Fin/R-2-L

Sports Equipment

The *Customs Tariff* permits duty-free entry of sports equipment unavailable from Canadian producers that meets international competition standards and that the Sports Federation of Canada certifies as required by athletes in training for, or competing in, international competitions. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of sports equipment meeting international standards helps Canadian athletes train for, or compete in, international amateur competitions. The interests of Canadian manufacturers are also protected since equipment allowed duty-free entry is not generally available from Canadian production.

Legal authority: *Customs Tariff*, code 2640

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Fin/R-3-L

Goods for People with Disabilities

The *Customs Tariff* permits duty-free entry of goods specifically designed for the use of people with disabilities. The goods qualifying for free entry are designated by the Governor in Council when comparable goods are not available from producers in Canada. Orders made under this authority add

products to the list of goods qualifying for duty-free entry.

The duty-free entry of goods for people with disabilities by order in council allows flexibility in responding to the needs of these people while, at the same time, providing adequate protection for Canadian manufacturers. Before making a recommendation to Council, the department carries out full consultation with those who could be affected by a change in tariff rates.

Legal authority: *Customs Tariff*, code 2535

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Fin/R-4-M

Tariff Treatment - Rules of Origin

Rules of origin determine the country of origin of goods and, under the preferential trade agreements, the level of tariff treatment applicable to those goods. Amendments could be made to the following regulations: the *General Preferential Tariff and Least Developed Developing Countries Rules of Origin Regulations*, the *British Preferential Tariff and Most-Favoured-Nation Tariff Rules of Origin Regulations*, the *New Zealand and Australia Rules of Origin Regulations*, the *CARIBCAN Rules of Origin Regulations*, the *NAFTA Rules of Origin Regulations*, the *NAFTA Rules of Origin for Casual Goods Regulations*, the *Determination of Country of Origin for Purposes of Marking Goods (NAFTA Countries) Regulations*, and the *Determination of Country of Origin for Purposes of Marking Goods (Non-NAFTA Countries) Regulations*.

Rules of origin are made to benefit Canada's trade interests. Proposed amendments would be made following consultation with the private sector, and, in the case of the *NAFTA Rules of Origin Regulations*, following the agreement of the U.S. and Mexico to such amendments.

Legal authority: *Customs Tariff*, sections 13, 18, 63.1 and 64

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Fin/R-5-I

General Preferential Tariff Orders

Canada provides a system of preferential tariff rates known as the General Preferential Tariff (GPT), for most products from developing countries as well as special tariff preferences for most products from the least developed developing countries (LDDCs). On occasion, it becomes necessary to withdraw such preferences, particularly when Canadian manufacturers are injured by imports into Canada under the reduced rates. Normally, recommendations for withdrawal are made following public hearings and a report by the Canadian International Trade Tribunal, which is tabled in the House of Commons. Alternatively, the GPT and LDDC regimes may be modified either in relation to rates of duty, product coverage or country coverage.

Withdrawal of preferential rates of duty alleviates the injury incurred by domestic industry. Expansion of the preferences satisfies Canada's international commitment to help promote trade with developing countries.

Legal authority: *Customs Tariff*, sections 35, 36, 38 and 41

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Fin/R-6-M

World Trade Organization Agreement and Other Trade Agreements

Under certain circumstances, the Minister of Finance and the Minister of Foreign Affairs make recommendations to the Governor in Council to modify tariff rates on imported products in response to domestic or international situations where Canada's rights or obligations under the *World Trade Organization Agreement (WTO)*, the *Canada - U.S. Free Trade Agreement (FTA)*, the *North American Free Trade Agreement (NAFTA)* or other trade agreements are involved. Regulations under these authorities are usually made in response to occasional, often unexpected international trade situations. Recommendations to the Governor in Council involve

either urgent domestic situations, such as surtaxes or retaliatory response to actions by other countries that negatively affect Canadian exports, or reductions in tariff rates that have been negotiated with our trading partners, such as those agreed to during the latest round of multilateral trade negotiations, which may lead to some tariff reductions being implemented by order in council.

Tariff rates are modified under the WTO, the FTA, the NAFTA or other trade agreements largely to benefit and protect Canada's trading interests.

Legal authority: *Customs Tariff*

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Fin/R-7-I

Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)

Canada provides a scheme of duty-free preferences called CARIBCAN for most products from Caribbean Commonwealth countries. Under certain circumstances, it may be necessary for the government to act quickly to withdraw such preferences when Canadian manufacturers are injured by imports as a result of the lower preferential rates. Alternatively, the government may wish to expand the product coverage for these preferential rates or to waive certain rules of origin requirements to improve the benefits provided.

Withdrawal of CARIBCAN treatment as a result of a safeguard petition would restore necessary protection for Canadian industry. Changes to rules of origin or product coverage could provide some benefit to CARIBCAN beneficiary countries.

Legal authority: *Customs Tariff*, sections 54 and 58

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Fin/R-8-I

Vessel Duty Removal/Reduction

The *Customs Tariff* provides authority for the Governor in Council, on the recommendation of the Minister of Finance, to reduce or remove the tariff on ships, floating structures and other waterborne craft. The authority is used to respond to requests from Canadian companies that demonstrate that the tariff is inequitable or anomalous or that its reduction or removal is required for competitive reasons.

Reduction or removal of the tariff on vessels reduces the costs associated with acquiring vessels and thus reduces the operating cost of the transportation service they provide. Because such action could affect the tariff protection afforded Canadian shipbuilders, the department recommends it only after carefully considering the costs and benefits to the importers and to the Canadian shipbuilding and ship repairing industries.

Legal authority: *Customs Tariff*, supplementary note 1 to chapter 89

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Fin/R-9-I

Most-Favoured-Nation Tariff Treatment

Under certain circumstances, the Minister of Finance makes recommendations to the Governor in Council to modify the tariff treatment of imports from certain countries. Orders extending most-favoured-nation tariff treatment are approved in response to obligations under a new trade agreement or to reflect a change in our trade relations with a particular country.

The modification of the tariff treatment extended to a particular country is usually made in response to international obligations.

Legal authority: *Customs Tariff*, sections 23 and 25

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Fin/R-10-L

Handicraft Goods Order

The *Customs Tariff* provides duty-free entry for traditional or artistic handicraft goods originating in developing countries.

From time to time, the Minister of Finance makes recommendations to the Governor in Council to expand or otherwise modify the list of handicraft items that are entitled to duty-free entry.

The *Handicraft Goods Order* is part of Canada's international commitment to assist developing countries.

Legal authority: *Customs Tariff*, code 2955

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Fin/R-11-I

Preferential Tariff Treatment for Certain Commonwealth Countries

Canada provides a system of tariff preferences for certain Commonwealth countries. On occasion, it becomes necessary either to withdraw British Preferential Tariff (BPT) rates of duty, largely to protect domestic manufacturers, or to modify BPT treatment for certain goods, usually in response to international trade agreements.

Legal authority: *Customs Tariff*, sections 27, 28 and 31

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Fin/R-12-L

General Amending Orders

From time to time, amendments to various regulations and orders are required to rectify inadvertent errors or to address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments address certain legal issues as well as technical problems with orders.

Because the amendments are, for the most part, technical and not substantive in nature, there is little or no economic impact.

Legal authority: *Customs Tariff*

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Fin/R-13-I

Remission of Duties

The authority to remit customs duties paid or payable has been delegated by Parliament to the Governor in Council. Remissions of duties are usually proposed only in exceptional circumstances where a genuine need for tariff relief has been clearly demonstrated. Most remissions are recommended to rectify anomalies or inequities caused by the tariff structure in specific situations or to provide short-term assistance to particular Canadian manufacturers facing serious competitive or financial problems.

The remission authority allows the government to respond quickly in specific situations where the application of general laws and regulations are having unintended or undesirable results. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to Canadian producers.

Legal authority: *Customs Tariff*, section 101; *Financial Administration Act*, section 23

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Fin/R-14-I

"Snapback" Tariffs on Fresh Fruits and Vegetables

The *Customs Tariff* contains authority (under article 702 of the Canada-U.S. Free Trade Agreement and annex 702.1 of the NAFTA until December 31, 2008) under which the Minister of Finance may, by order, temporarily restore (for up to 180 days) tariffs on

certain fresh fruits and vegetables imported from the U.S. under depressed price conditions in order to give Canada's horticultural industry an opportunity to adjust to more open trading conditions. This "snapback" provision applies only if the average acreage under cultivation (exclusive of acreage converted from wine-grape cultivation) for that product is constant or declining. The temporary duties, together with any other customs duty, cannot exceed the most-favoured-nation rate of duty for the product in question.

The imposition of the temporary duties will result in the restoration of tariff protection for domestic producers of fruits and vegetables covered by the order.

Legal authority: *Customs Tariff*, section 60.2

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Fin/R-15-L

Customs Tariff (Technical)

From time to time, it is necessary to make technical amendments to the *Customs Tariff* nomenclature. These are usually required to implement international obligations that Canada undertook when it adopted the Harmonized System (HS) of classification in 1988. (An integral part of the adoption of the HS is that the tariff nomenclature must be amended from time to time to implement decisions taken by the Customs Co-operation Council, the international organization responsible for the HS, to meet evolving technological developments.)

The amendments are, for the most part, technical and not substantive.

Legal authority: *Customs Tariff*, section 12.1

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Fin/R-16-I

Customs Tariff - Schedule VII

Section 114 of the *Customs Tariff* prohibits the importation of goods set out in Schedule VII to that act. Schedule VII further provides authority, in certain instances, for regulations to clarify which goods are prohibited or the terms and conditions under which certain goods are prohibited. Throughout the year, it may be necessary to make or amend such regulations.

Because such action could affect the admissibility of goods into Canada, regulations relating to the goods set out in Schedule VII are only introduced after the department has carefully considered their costs and benefits.

Legal authority: *Customs Tariff*

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Fin/R-17-I

Remission of Anti-Dumping and Countervailing Duties

The authority to remit the payment of anti-dumping and countervailing duties has been delegated by Parliament to the Governor in Council. Requests for the remission of these duties are accepted only under exceptional circumstances and generally where the Canadian industry supports the remission or where there is no Canadian production.

The remission authorities allow the government to respond quickly in specific situations where there are exceptional circumstances in the application of general laws and regulations.

Legal authority: *Customs Tariff*, section 101

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Fin/R-58-I

Regulations Respecting Bonded Warehouses

The *Regulations Respecting Bonded Warehouses* outline the procedures for licensing and operating a bonded warehouse. These regulations include a section that describes the activities that may occur in a bonded warehouse without attracting customs duties and GST on the goods, pending export or entry into the Canadian market.

The Ministers of Finance and National Revenue may, under certain circumstances, recommend to the Governor in Council changes to the activities allowed in a bonded warehouse. The bonded warehouse component of the duty deferral program allows Canadian business to be more competitive. It can create new trade opportunities and attract new business and investment.

Legal authority: *Customs Tariff*, section 95(3)

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Financial Sector Policy Branch

Fin/93-26-I

Portfolio Management and Investment Counselling Regulations

The *Portfolio Management and Investment Counselling Regulations* prescribe terms and conditions for the provision of portfolio management and investment counselling services by federally regulated financial institutions. The intent of the *Portfolio Management and Investment Counselling Regulations* is to ensure that a comprehensive regulatory framework exists for investors who make use of these portfolio management and investment counselling services. The compliance costs for federally regulated financial institutions will be comparable to those faced by other providers of portfolio management and investment counselling services, which are regulated by the provinces.

Legal authority: *Bank Act*, paragraph 410(3)(b); *Insurance Companies Act*, paragraph 441(4)(b); *Trust and Loan Companies Act*, paragraph 410(3)(b)

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Fin/95-21-I

Proceeds of Crime (Money Laundering) Act - Regulations

Regulations under the *Proceeds of Crime (Money Laundering) Act* came into effect on March 26, 1993. These regulations set out record-keeping and client identification procedures for financial institutions and others, to provide audit trails for use in money laundering investigations. Adjustments to the Regulations are required, in light of compliance experience and changing money laundering practices.

Legal authority: *Proceeds of Crime (Money Laundering) Act*, subsection 5(1)

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Fin/96-23-I

Affiliated Persons Regulations

The *Affiliated Persons Regulations* in the financial institutions statutes establish the circumstances under which a person is considered affiliated with a financial institution for the purposes of determining whether they are an affiliated director. These regulations are being amended to indicate that affiliated persons include the directors of an entity that has control of a federal financial institution and is not a financial institution. The specific regulations being amended are SOR/92-325, SOR/92-326 and SOR/92-327. An appropriate transition period will accompany the implementation of these regulations.

Legal authority: *Bank Act*, section 162; *Insurance Companies Act*, section 170; *Trust and Loan Companies Act*, section 166

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Fin/97-1-I

Cost of Credit Disclosure

Harmonized cost of credit disclosure is a component of the consumer related measures chapter of the Internal Trade Agreement signed July 18, 1994 by the provinces and the federal government. Parties are now completing negotiations on harmonizing cost of credit disclosure, and plan to implement harmonized legislation and regulations in early 1997. Relevant federal regulations are the *Cost of Borrowing Regulations* (SOR/92-318, SOR/92-319 and SOR/92-320) pursuant to the *Trust and Loan Companies Act*, the *Insurance Companies Act* and the *Bank Act*, and the *Cost of Borrowing Regulations* (Foreign Insurance Companies) (SOR/92-360) pursuant to the *Insurance Companies Act*. As well, new regulations will have to be implemented pursuant to the *Interest Act*. The *Act to Implement the Agreement on Internal Trade* provides for amendments to the *Interest Act* to give regulation-making authority for prescribing the manner of disclosing interest.

Legal authority: *Bank Act*, sections 449-454, 458; *Insurance Companies Act*, sections 479-485, 488, 598-603, 606; *Trust and Loan Companies Act*, sections 435-440, 443

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Fin/97-2-I

Privacy

The government proposed in the June 1996 Consultation Paper on the Review of Financial Sector Legislation to introduce regulations governing the collection, use, retention and disclosure of customer information by federal financial institutions. More specifically, financial institutions will be required to adopt a code of conduct governing the collection, use, retention and disclosure of information. These regulations will also require financial institutions to provide customers with written information on their privacy code and details on how to lodge complaints. In addition, financial institutions will be required to designate a senior official to implement procedures for

dealing with consumer complaints and to report annually on the complaints received and the actions taken to respond to them.

Legal authority: *Bank Act*, section 459; *Insurance Companies Act*, section 489; *Trust and Loan Companies Act*, section 444

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Fin/97-3-I

Disclosure Requirement for Mortgage Prepayment

The government proposed in the June 1996 Consultation Paper on the Review of Financial Sector Legislation to consider amending the financial institutions statutes to provide for more explicit disclosure requirements for mortgage prepayment. Relevant federal regulations are the *Cost of Borrowing Regulations* (SOR/92-318, SOR/92-319 and SOR/92-320) pursuant to the *Trust and Loan Companies Act*, the *Insurance Companies Act* and the *Bank Act*, and the *Cost of Borrowing Regulations* (Foreign Insurance Companies) (SOR/92-360) pursuant to the *Insurance Companies Act*.

Legal authority: *Bank Act*, sections 452; *Insurance Companies Act*, sections 482, 601; *Trust and Loan Companies Act*, sections 438

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Fin/97-4-I

Executive Compensation Regulations

The requirement that federal financial institutions disclose information regarding the compensation of their executives is a component of Bill C-15, which came into force on June 28, 1996. Amendments to the *Bank Act*, *Insurance Companies Act*, *Trust and Loan Companies Act*, and the *Cooperative Credit Associations Act* make reference to information which an institution

shall make available regarding the compensation of its executives. This information is prescribed by regulations.

Legal authority: *Bank Act*, section 532; *Insurance Companies Act*, section 673; *Trust and Loan Companies Act*, section 504; *Cooperative Credit Associations Act*, section 436

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Fin/94-20-L

Domestic Bonds of Canada Regulations

Regulations pursuant to section 60 of the *Financial Administration Act* set forth certain legal requirements with respect to the issuing, redemption and transfer of ownership of Government of Canada bonds. These regulations have not undergone substantial amendments for some time. The department is proposing a complete review of the Regulations to correct numerous flaws that have become apparent in the past several years, as well as to incorporate new provisions needed as a result of changes in the market environment relating to the issue of bonds. These changes will be largely technical. They include reconciling the Regulations with civil and common law and incorporating new provisions related to the increasing use of electronic, rather than physical, transfer of funds and securities ownership.

Legal authority: *Financial Administration Act*, section 60

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Tax Policy Branch

Fin/93-7-M

Income Tax Regulations - Resource Allowance

On July 23, 1992, the Minister of Finance announced that changes would be made to Part XII of the *Income Tax Regulations*, primarily to clarify the calculation of

the resource allowance. Draft regulations and notes were released at that time.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/93-12-I

Income Tax Regulations - Indexed Debt Obligations

On October 16, 1991, the Minister of Finance announced proposed rules relating to the tax treatment of indexed debt obligations. The proposals will be implemented, in part, by amending Part LXX of the *Income Tax Regulations*. Also, an amendment will be required to the reporting obligation in subsection 201(4) of the Regulations. The proposed amendments are contained in Department of Finance Press Release 91-104.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/92-33-M

Income Tax Regulations - Life Insurance Companies and their Products

As announced in the February 1992 budget, Finance Canada is reviewing the taxation of the life insurance industry. This review will likely result in amendments to the *Income Tax Regulations*. In particular, these amendments may include changes to Part III (rules relating to the taxation of insurance policies and annuities), Part XIV (rules relating to the calculation of policy reserves of insurance companies) and Part XXIV (rules relating to the calculation of investment income of insurance companies).

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/94-43-I

Income Tax Regulations - Interest Accrual Rules

On August 10, 1993, the Minister of Finance announced changes to the rules in Part LXX of the *Income Tax Regulations* that prescribe the amount of interest that is considered to accrue each year on certain debt obligations. The changes alter the measurement of accrued interest on debt obligations that have increasing interest rates, and they limit the scope of a rule that treats a debt obligation as continuation of another obligation where it is acquired pursuant to a conversion right. Draft regulations and explanatory notes were released with the Minister's announcement.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/95-31-M

Income Tax Regulations - 1994 Budget

On February 22, 1994, the Minister of Finance presented the government's budget. The Budget contained a number of income tax measures, some of which will require changes to the *Income Tax Regulations*. These include amendments relating to debt forgiveness, foreign affiliates, financial institutions, tax shelters and the elimination of employer-provided life insurance benefits.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/95-32-M

Income Tax Regulations - Income Tax - Technical Amendments - 1993

On August 30, 1993, draft technical income tax amendments were released for public consultation. These amendments, together with other measures announced in press releases during 1993, were implemented by S.C. 1994, chapter 28, which received Royal Assent on June 15, 1994. A number of

consequential amendments to the *Income Tax Regulations* are required.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-35-L

Income Tax Regulations - 1995 Budget

On February 27, 1995, the Minister of Finance presented the government's budget. The Budget contained a number of income tax measures, some of which will require changes to the *Income Tax Regulations*. These include amendments relating to scientific research and experimental development, fiscal periods of certain businesses, the Canadian film and video production tax credit, and source deductions.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-24-L

Income Tax Regulations - Reporting Requirements - Mutual Fund Reorganizations

Income Tax Regulations 230(3) requires every person (other than an individual) who redeems, acquires or cancels a security to make an information return. Exceptions from this rule are provided for several common types of corporate and partnership reorganization. Provided the relevant amendments to the *Income Tax Act* are enacted as proposed, Regulation 230(3) will be amended to add an exception for reorganizations of mutual funds under proposed section 132.2 of the Act.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-25-L

Income Tax Regulations - Branch Tax Investment Allowance - Partnerships

Part XIV of the *Income Tax Act* imposes an additional tax on non-Canadian corporations (under proposed amendments, non-resident corporations) that carry on business in Canada. In computing its Part XIV tax base, a corporation may deduct an amount (its "investment allowance") in respect of its investments in Canada. The investment allowance, computed under Part VIII of the *Income Tax Regulations*, includes certain of the corporation's liquid assets. Regulation 808(3) was amended in 1993 to clarify that only those liquid assets that are attributable to a corporation's Canadian business profits, or that are used or held in the course of a Canadian business, are eluded. To ensure comparable treatment for corporations that carry on business in Canada as members of partnerships, a parallel change to Regulation 808(6) is required.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-26-L

Income Tax Regulations - Changes in Residence

Amendments to the *Income Tax Act* enacted in 1994 revised the tax rules that apply when taxpayers, including corporations, become or cease to be resident in Canada. Those amendments make necessary two substantive changes to the *Income Tax Regulations*.

First, Part III of the Regulations describes the manner and timing of certain elections available to such taxpayers. Under the revised rules, the details of the elections are provided in the Act itself. Part III of the Regulations is therefore superfluous, and can be repealed.

Second, the Act provides for the inclusion of a prescribed amount in the foreign accrual property income of an immigrating corporation that is a foreign affiliate of a taxpayer resident in Canada. Regulation 5907(13) sets out the formula for computing that prescribed amount. That formula will be revised to reflect the 1994 amendments.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-27-L

Income Tax Regulations - Income Tax - Technical Amendments - 1995

On April 26, 1995, draft technical income tax amendments were released for public consultation. If implemented, these amendments would require a number of consequential amendments to the *Income Tax Regulations*.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-28-L

Income Tax Regulations - Tax Shelter Identification Numbers

Draft amendments to the *Income Tax Act* released on April 26, 1995 include amendments to section 237.1, as well as the introduction of section 143.2. Both deal with tax shelters. As a result of those amendments, consequential amendments to the *Income Tax Regulations*, defining prescribed benefits for the purposes of the tax shelter identification rules in section 237.1 of the Act, will be required.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-29-I

Income Tax Regulations - Capital Cost Allowance

The *Income Tax Act* allows taxpayers to claim deductions related to the cost of depreciable property, as allowed by regulation. These regulations are updated from time to time to deal with changing circumstances. It is expected that Part XI of the *Income Tax Regulations* and /or Schedule II to those

regulations will require amendments as part of the ongoing process of monitoring the capital cost allowance system.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-30-L

Income Tax Regulations - Retirement Savings

Amendments are required to Parts LXXXIII and LXXXV of the *Income Tax Regulations* to refine the operation of the rules relating to registered pension plans. In addition, amendments may be required to other regulations relating to retirement savings.

Legal authority: *Income Tax Act*, subsections 147.1(18) and 221(1)

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Fin/96-31-M

Income Tax Regulations - 1996 Budget

On March 6, 1996, the Minister of Finance presented the government's budget. The budget contained a number of income tax measures, some of which will require changes to the *Income Tax Regulations*. These include amendments relating to the resource allowance, labour-sponsored venture capital corporations, flow-through shares and deferred income plans.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/96-32-M

Income Tax Regulations - Other

It may become necessary to make various amendments to regulations of a technical or housekeeping nature or for the purposes of

clarification. Other amendments to regulations may be required to address problems that may develop; to implement tax policy changes, including changes announced by press release; to respond to court decisions; to reflect or respond to statutory changes, including those made as a result of statute revision; or to improve the wording, organization or numbering of the Regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs.

Legal authority: *Income Tax Act*, subsection 221(1)

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Fin/94-49-I

Agriculture and Fishing Property (GST) Regulations

These regulations are being amended to add items to the list of major agricultural inputs that farmers can purchase on a zero-rated basis (i.e., without paying the Goods and Services Tax (GST)). This measure represents neither a net tax saving to farmers nor a net tax revenue loss to the government, because farmers would otherwise be entitled to recover fully any GST paid on the inputs through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to farmers since farmers would not have to pay the tax on the prescribed inputs at the time of purchase and then await a refund.

Legal authority: *Excise Tax Act*, section 10 of Part IV of Schedule VI and section 277

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Fin/95-36-I

Amalgamations and Windings-Up Continuation (GST) Regulations

These regulations prescribe the provisions of the *Excise Tax Act* for the purposes of which a new corporation formed as a result of an amalgamation or winding-up of a predecessor corporation is considered to be the same corporation as the predecessor. The

Regulations require amendments to reflect changes in section numbers enacted by S.C. 1993, chapter 27 (Bill C-112) and to add references to two sections dealing with insolvencies to ensure that obligations and entitlements of predecessor corporations in these circumstances carry over to successor corporations.

Legal authority: *Excise Tax Act*, sections 271, 272 and 277

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Fin/94-50-I

Automobile Operating Cost Benefit (GST) Regulations

Under the Goods and Services Tax (GST), employee benefits relating to employer-paid automobile operating costs are taxable, since the employees would have to pay the GST on automobile expenses if they incurred them directly. The benefit as reported for income tax purposes is treated as a GST-included amount. The amount of GST considered to be included in the benefit and remittable by the employer is deemed to be a prescribed percentage of the benefit. For the 1993 and subsequent taxation years, the percentage to be prescribed by these regulations is five per cent. This is less than the general GST rate of seven per cent as it takes into account the fact that a portion of the benefit reported for income tax purposes relates to expenses on which GST does not apply, such as insurance and licence fees. The use of the prescribed percentage makes it easier for employers to calculate the GST liability because they do not have to separate that portion of the benefit relating to expenses that are not subject to GST.

Legal authority: *Excise Tax Act*, sections 173 and 277

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Fin/95-38-L

Federal Sales Tax New Housing Rebate Regulations

During the transition from the Manufacturers' Sales Tax (MST) to the Goods and Services Tax (GST), purchasers or, in some cases, builders of new housing that was under construction prior to the implementation of the GST on January 1, 1991 were entitled to rebates to compensate for the fact that such housing would have an element of the MST in its cost but would also be subject to the GST when sold or first occupied after 1990. The rules for calculating this rebate were partly contained in section 121 of the *Excise Tax Act* and partly in regulations made under that section. In S.C. 1994, chapter 9 (Bill C-13), the Act was amended to amalgamate all these rules in the *Federal Sales Tax New Housing Rebate Regulations*. However, the calculation itself, and therefore the amount of the rebate, remains unchanged. The Regulations are therefore being amended to effect this amalgamation.

Legal authority: *Excise Tax Act*, sections 59 and 121 and S.C. 1994, chapter 9, section 1

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Fin/95-39-L

Publications Supplied by a Non-resident Registrant (GST) Regulations

Under the Goods and Services Tax (GST), suppliers of goods prescribed under section 143.1 of the *Excise Tax Act* (i.e., books, newspapers, magazines and similar publications) that are imported into Canada for delivery to consumers by mail or courier are required to register and to collect the tax directly from consumers. Where a supplier fails to register as required, the publications are taxed upon importation. In S.C. 1993, chapter 27 (Bill C-112), the Act was amended to extend this provision to resident suppliers of foreign publications; it previously applied only to non-resident suppliers. Consequential amendments are required to the Regulations, which were made under section 143.1 of the Act.

Legal authority: *Excise Tax Act*, sections 143.1 and 277

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Fin/94-51-I

Non-taxable Imported Goods (GST) Regulations

Recent amendments to the *Excise Tax Act* allow the Minister of National Revenue to issue certificates to certain importers allowing them, under specified conditions, to import, without the payment of GST, goods that they will process in Canada and export, where such goods will be re-exported. The Regulations are being amended to prescribe these goods.

This measure represents neither a net tax saving to importers nor a net tax revenue loss to the government, because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to importers since importers would not have to pay the tax at the time of importation and then await a refund.

For situations where, under the Act, the Minister requires security to be posted for imported goods as a condition for tax-free importation, the Regulations will be amended to require verification that such security has been posted. As well, the Regulations are being amended to provide non-taxable status to goods that either originated in Canada or were taxed upon a previous importation and are being returned to Canada. This amendment is being made to avoid double taxation of the goods.

Legal authority: *Excise Tax Act*, section 8 of Schedule VII and section 277

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Fin/94-52-L

Joint Venture (GST) Regulations

Section 273 of the *Excise Tax Act* permits an operator and another participant in a qualifying joint venture to elect jointly to designate the operator as the person responsible for accounting for the Goods and Services

Tax (GST) on behalf of both parties, with respect to their purchases and sales made in the course of prescribed activities of the joint venture. Amendments to the regulations are required to extend the list of prescribed activities. This initiative will benefit participants in eligible joint ventures by permitting them to simplify their record-keeping and filing requirements for GST purposes.

Legal authority: *Excise Tax Act*, sections 273 and 277

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Fin/94-53-I

Value of Imported Goods (GST) Regulations

These regulations are being amended to apply the Goods and Services Tax (GST) to 1/60th of the value of a temporarily imported bus or aircraft that is the subject of a short-term lease, for each month the bus or aircraft is to remain in Canada. In the absence of this provision, importers of leased buses and aircraft who may be using the conveyance for only a short time in Canada would be required to pay GST at the time of importation on the full value of the conveyance, even though they would have to pay tax only on the periodic leasing cost if they leased a similar conveyance in Canada.

This measure represents neither a net tax saving to importers nor a net tax revenue loss to the government, because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to importers and a corresponding cost to the government of forgone interest, since they would pay less tax at the time of importation.

Legal authority: *Excise Tax Act*, subsection 215(2) and section 277

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Fin/94-54-I

Streamlined Accounting (GST) Regulations

These regulations are being amended to prescribe a simplified method for small businesses to determine their GST liabilities or refunds. A draft of the regulations and related explanatory notes were released on March 30, 1993. The Regulations are also being amended to streamline the existing simplified accounting methods further. These changes were announced in June 1993 and were released in draft form, together with explanatory notes, at that time.

Legal authority: *Excise Tax Act*, sections 227 and 277

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Fin/94-55-I

Financial Services (GST) Regulations

While financial transactions are exempt from the Goods and Services Tax (GST), administrative services are generally taxable. These regulations are being amended to clarify that prescribed exempt financial services for purposes of the GST do not include clearing and settlement, or authorization services related to financial instruments such as cheques, or to credit or charge card transactions, except when the service is provided under the national payments system of the Canadian Payments Association.

Legal authority: *Excise Tax Act*, paragraph (t) of the definition "financial service" in subsection 123(1) and section 277

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Fin/94-56-L

Debit and Credit Note Information (GST) Regulations

S.C. 1993, chapter 27 (Bill C-112) implemented amendments to the *Excise Tax Act* to recognize debit notes issued to suppliers by their business customers as satisfactory evidence of adjustments to customers' accounts for purposes of the Goods and Services Tax (GST). Consequential amendments are required to these regulations to make reference to debit notes, as

the Regulations currently refer only to the information to be contained in credit notes issued by suppliers. This initiative accommodates existing business practice in certain industries that commonly use debit notes. It therefore makes accounting for the GST easier for those businesses.

These regulations are also being amended to allow a credit note issued by an intermediary of a supplier (who acts on behalf of the supplier) to serve as satisfactory evidence for purposes of the recipient's input tax credit claim. Here also the amendment accommodates common business practice and simplifies compliance. This amendment was released in draft form by the Minister of Finance on April 23, 1996.

Legal authority: *Excise Tax Act*, sections 232 and 277

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Fin/94-57-I

Public Service Body Rebate (GST) Regulations

Under the Goods and Services Tax (GST), certain public service bodies – such as hospitals, schools, universities and municipalities – as well as charities and substantially government-funded non-profit organizations, are entitled to claim rebates of the GST they pay on their purchases for use in non-commercial activities. To qualify, non-profit organizations must satisfy a government-funding test set out in these regulations. The definition of "government funding" is being amended to clarify that it does not include loans from a government body (other than forgivable loans), because these are not in the nature of a grant or subsidy or because the subsidy element is too complex to measure. This amendment makes it easier to determine if potential rebate recipients are eligible.

As well, S.C. 1993, chapter 27 (Bill C-112) added authority under the *Excise Tax Act* to prescribe by regulation a simplified method for small public service bodies to determine these rebates.

The Regulations are being amended to set out that method. The amending act also added authority to prescribe by regulation government organizations that pay GST on their purchases and that would qualify as non-profit organizations, were they not Crown agents. These organizations will therefore be eligible to

receive rebates as do other substantially government-funded non-profit organizations, provided they meet the government-funding test.

Finally, the Regulations are being amended to add an item to the list of prescribed property and services on which the public service body rebate is disallowed. The additional item describes property and services acquired or imported by a public service body acting as the operator of a joint venture on behalf of other participants, where the parties have elected jointly to have the operator do all the GST accounting for the venture as if the acquisitions and importations were made by the operator in its own right. The public service body rebate is to be denied in respect of such property and services if any of the other participants in the venture are not eligible rebate recipients. This measure ensures that otherwise ineligible parties do not use the joint venture rules to gain the benefit of the rebate indirectly.

Legal authority: *Excise Tax Act*, sections 259 and 277

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Fin/94-58-L

Crown Agents (GST) Regulations

S.C. 1993, chapter 27 (Bill C-112) repealed the authority under which the *Crown Agents (GST) Regulations* were made. It also added the definition "specified Crown agent" in subsection 123(1) of the *Excise Tax Act* for purposes of the Goods and Services Tax (GST) under Part IX of that act. The definition "specified Crown agent" is to be prescribed by regulation to be the same list of federal Crown agents that appeared in the *Crown Agents (GST) Regulations*. These agents of the federal Crown are prescribed to ensure that, under the GST, they are treated the same as private-sector businesses. They include the CBC, the Bank of Canada and Crown corporations listed in Schedule III to the *Financial Administration Act*.

Legal authority: *Excise Tax Act*, definition of "specified Crown agent" in subsection 123(1) and section 277

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Fin/94-59-I

Games of Chance (GST) Regulations

Under the Goods and Services Tax (GST), lottery tickets and other rights to participate in games of chance that are conducted by prescribed registrants – that is, the provincial lottery corporations – are subject to tax. However, the amount of tax remittable by these corporations is determined by a formula that effectively removes from the GST base the fiscal dividend of the lottery corporations that is available for distribution to governments or to grant recipients. S.C. 1993, chapter 27 (Bill C-112) amended the *Excise Tax Act* to provide authority to prescribe by regulation the manner by which provincial lottery corporations are to determine the amount of GST remittable in respect of lottery ticket sales and other games of chance. The Regulations are being amended to prescribe this formula and to add three new provincial corporations to the list of prescribed lottery corporations.

Legal authority: *Excise Tax Act*, sections 188 and 277

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Fin/97-5-L

Input Tax Credit Information (GST) Regulations

Under the Goods and Services Tax (GST), registered businesses engaged in taxable activities are entitled to recover tax paid on their business inputs by claiming "input tax credits" as a deduction from the tax collectable on their sales. In order to claim the credits, they must satisfy certain evidentiary requirements which are set out in the *Input Tax Credit Information (GST) Regulations*.

These regulations are being amended to provide that an invoice issued by an intermediary (such as a supplier's agent) can be used to satisfy the documentation requirements for claiming an input tax credit. This will simplify compliance for businesses by accommodating common business practices without jeopardizing the enforcement of the tax. This measure does not have a cost associated with it. It was announced by the Minister of Finance as part of a package of technical amendments to the GST on April 23, 1996 and was released in draft form at that time.

Legal authority: *Excise Tax Act*, paragraph 169(4)(a) and section 277

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Fin/94-61-L

Taxes, Duties and Fees (GST) Regulations

Under the Goods and Services Tax (GST), provincial retail sales taxes and specific provincial taxes that apply at the retail level as a percentage of the final selling price of goods and services are prescribed by regulations to be excluded from the GST base, so that the federal tax does not apply on top of these provincial taxes. The Regulations require amendments to reflect provincial statutory changes.

Legal authority: *Excise Tax Act*, sections 154 and 277

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Fin/94-62-L

Mail and Courier Imports (GST) Regulations

Under the Goods and Services Tax (GST), imported goods valued at \$20 or less and sent by mail or courier to recipients in Canada are generally exempt from tax at the border. However, exceptions are made for goods prescribed by regulation. One such exception is certain imported publications sent by mail or courier to customers in Canada. The suppliers, whether foreign or domestic, are required to register for GST purposes and collect the tax directly from their Canadian customers. Where the suppliers do register, the publications are then exempt from tax at the time of importation. However, if a supplier fails to register as required, the publications are subject to GST at the border, regardless of their value. The Regulations are being amended to encompass audio-cassettes that accompany a foreign publication to ensure that they receive the same tax treatment as the publication.

The Regulations are also being amended to substitute a reference to "tobacco products" for the existing reference to "cigars, cigarettes and manufactured tobacco." The reference to "tobacco products" avoids ambiguities as to the definition of specific products.

Legal authority: *Excise Tax Act*, section 7 of Schedule VII and section 277

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Fin/97-6-M

Budget (GST) Regulations

Budgetary announcements made by the Minister of Finance before the end of 1997 may necessitate new regulations or amendments to existing regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs. The budget documents will provide details of any impact.

Legal authority: *Excise Tax Act*

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Fin/97-7-M

GST Regulations - Harmonization Measures

On April 23, 1996, the Minister of Finance announced that agreements in principal had been reached between the federal government and the provinces of Newfoundland, New Brunswick and Nova Scotia to replace their retail sales tax systems with a value added tax harmonized with the GST. This initiative could give rise to a need to modify some of the *GST Regulations* as a consequence of the resulting changes to the *Excise Tax Act*. The exact nature of the amendments to the regulations, if any, that would be called for is not yet known.

Legal authority: *Excise Tax Act*

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Fin/R-59-L

GST Regulations (Technical Housekeeping)

It may be necessary to make technical amendments to the *GST Regulations* to address problems as they arise;

to implement tax policy changes; to respond to court decisions; to reflect or respond to statutory changes; or to improve the wording, organization or numbering of the Regulations. This is a recurring exercise.

Legal authority: *Excise Tax Act*

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Federal-Provincial Relations and Social Policy

Fin/R-35-M

Federal-Provincial Fiscal Arrangements Regulations

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical and are usually introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs. The department consults the provinces before making amendments.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

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Fin/96-36-M

Canada Health and Social Transfer Regulations

A recommendation will be made by the Minister of Finance to the Governor in Council to promulgate new

regulations dealing with the Canada Health and Social Transfer program. The Minister of Finance may also occasionally recommend that the Governor in Council amend these regulations.

The Regulations will deal with determining and making payments to provincial governments in respect of the Canada Health and Social Transfer program. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The exact nature of the Regulations will depend on the outcome of discussions with the provinces and is not yet known. It is therefore not possible to describe the benefits and costs at this time.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

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Fin/R-37-I

Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987

The Minister of Finance occasionally recommends that the Governor in Council amend the regulations dealing with tax collection agreements and established programs financing. These amendments are usually technical and are usually introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of tax collection agreements and established programs financing. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The department consults the provinces before making amendments.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

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Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with a transfer by the Minister of Natural Resources to the Government of Nova Scotia of an amount in respect of equalization offset payments related to offshore revenue.

The Regulations deal with the time and manner of determining and making payments to the Government of Nova Scotia in respect of the equalization offset payments. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. As these regulations are required by the Act, and simply implement its provisions, there is neither a cost nor a benefit associated with them. The department consults the Government of Nova Scotia before making recommendations.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

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Future initiatives

Tariff Simplification

In the Budget of February 22, 1994, the government announced a three-year review of Canada's tariff regime. Its main objectives are to ensure that the *Customs Tariff* and related regulations are responsive to the competitive pressures facing Canadian industry as a result of freer trade and to lessen the regulatory burden and related costs to both the business community and the government by making the tariff system simpler, more transparent and predictable. It is intended that a new simplified Tariff would be implemented in 1998.

The new Tariff would incorporate tariff simplification proposals made public through a series of *Canada Gazette* notices (and mailings to a large number of stakeholders) over the last two years, as modified following comments from interested parties. In this

regard, public consultations were launched on November 11, 1995, in respect of the proposed elimination of a large number of duty remission orders and other tariff regulations, or their replacement with tariff items in the Schedule to the simplified Tariff. The aim is to reduce the regulatory burden on the importing community and to make the tariff status of imported goods more transparent and predictable.

The initial proposals included the elimination of about 300 regulations, the replacement of roughly 70 others with statutory tariff items providing the same tariff treatment, and the retention of about 150 regulations that cannot readily be converted to tariff items essentially because of their complexity. Very few objections to these proposals were received and the draft simplified tariff system put out for final public comment in March 1996 includes almost all of the initial proposals.

It is the intention that, in 1997, action be taken to eliminate or amend a large number of tariff related regulations, such changes to take effect in 1998 when the new tariff system is implemented. In addition to the regulations included in the tariff simplification study, a number of other regulations relating mainly to the administration of the *Customs Tariff* and/or to provisions of other acts, such as the *Customs Act*, will require elimination or amendment as a result of implementation of the tariff simplification initiatives. It is anticipated that most of these changes will be of a "housekeeping" nature (e.g., revocation of regulations relating to the Machinery Remission Program which is proposed for termination, and changes to tariff item references). A small number of new regulations will be required primarily as a result of proposed amendments to the *Customs Tariff* legislative text (e.g., the replacement of the "direct shipment" requirements of sections 17 and 18 with regulations, and duty remission orders to maintain the British Preferential Tariff treatment for certain goods).

Classification: Low-cost initiative

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Special Import Measures Act - Review

The Minister has referred the *Special Import Measures Act* (SIMA) to Joint Parliamentary Committee for a

formal evaluation to determine whether the balance of interests, established when the Act was passed in 1984, remains appropriate in the current international trade environment.

This will result in a comprehensive public review of the Act, which governs application of the anti-dumping and countervailing duties that protect Canadian industry from injury caused by imports of dumped and subsidized goods.

Classification: Low-cost initiative

Contact: Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-8650; Fax: (613) 943-1177; Internet: Collins-Williams.Terry@fin.gc.ca

Tariff Items for Travellers

As a result of provisions contained in Bill C-102, which received Royal Assent on December 5, 1995, an amendment was made to the *Customs Tariff* to add a new provision to chapter 98. Under the terms of the legislation, the effective date of this new provision will be set by order of the Governor in Council.

The amendment to chapter 98 of the *Customs Tariff* is designed to simplify the classification and assessment of low value goods that travellers import for their personal use, enabling self-assessment by the traveller. This, in turn, will allow travellers to use the alternate, facilitated clearance and collection systems that Revenue Canada is implementing at various entry points across the country.

Orders made under this authority will establish the tariff items under heading 98.26 and the rates of duty under each tariff item. In addition, the terms and conditions of the heading, the goods and classes of goods that are excluded, the definitions of terms, and the value limit that applies to goods classified under heading 98.26 will also be stipulated.

Classification: Low-cost initiative

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Canada-Israel Free Trade Agreement

Changes will likely be required to implement the Canada-Israel Free Trade Agreement.

Classification: Major initiative

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Fisheries and Oceans

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General information

The primary statement of the Department's mandate is the *Department of Fisheries and Oceans Act*, which creates the Department and assigns program responsibilities. Authority for additional activities will be contained in the *Oceans Act* (Bill C-26) and in the new *Fisheries Act* (Bill C-62).

The legislative framework is being reshaped to reflect and support the evolving mandate and directions of the Department and the Minister:

- the merger of the Canadian Coast Guard (CCG) with DFO, traditionally a fisheries-oriented department
- the consolidation and simplification of fisheries management authorities
- the creation of a single food inspection agency, reporting to the Minister of Agriculture and Agri-Food under Agriculture and Agri-Food's legislation.

Therefore, DFO's future legislative framework will consist of 7 elements:

- the *Department of Fisheries and Oceans Act*
- all fisheries management authorities will be combined in a single Act: the *Fisheries Act*
- in future, the *Oceans Act* will establish the legal framework for DFO's oceans responsibilities, including Coast Guard operations
- the *Navigable Waters Protection Act*
- certain provisions of the *Canada Shipping Act*
- certain provisions of the proposed *Canada Marine Act* (Bill C-44)
- three minor statutes focused on particular program areas:
 - the *Fishing and Recreational Harbours Act*
 - the *Freshwater Fish Marketing Act*
 - the *Fisheries Improvements Loans Act* (inactive)

Fisheries Management Legislation - Fisheries management is the first area of the Department's legislative program to undergo a critical analysis and subsequent rationalization. In streamlining our legislation, we are reflecting the significant rethinking that has occurred in the Department in the past few years - the Department has been moving away from the business of industry subsidy and fisheries development towards conservation and cooperative management of the resource.

We need to reflect the new ways of doing business. The new *Fisheries Act* will support government-industry partnering and create a new process for dealing with commercial violations through administrative sanctions.

Oceans Act (Bill C-26) - The *Oceans Act* (Bill C-26) is designed as the legislative vehicle for the Department's oceans responsibilities. The key elements under the administration of DFO are:

- authority to develop an Oceans Management Strategy in collaboration with other government departments and agencies, stakeholders and partners;
- establishment of the Canadian Coast Guard and Canadian Hydrographic Service;
- consequential amendments to the *Canada Shipping Act* to transfer to the Minister of Fisheries and Oceans certain responsibilities related to the functions of the CCG.

Navigable Waters Protection Act - The *Navigable Waters Protection Act* (NWPAct) is grounded in the

Magna Carta right to public navigation and the federal responsibility for transportation. It is written to protect the public right, by creating a regulatory regime for authorizing obstructions to navigation. It is an important trigger for the *Canadian Environmental Assessment Act*.

Responsibility for the NWP is being transferred to the Minister of Fisheries and Oceans as a consequential provision of the new *Fisheries Act* (Bill C-62). Staff and administrative responsibilities were transferred through an Order in Council in 1995.

The Department is proceeding with plans to modernize this act. Public consultations will take place in 1997 with the objective of having a bill ready for tabling in early 1998.

Fish Inspection Act - The 1996 Budget announced that the fish inspection function of the Department will be transferred to a single food inspection agency. Until legislation is enacted to establish the agency, statutory authorities under DFO's *Fish Inspection Act* will remain with the Minister of Fisheries and Oceans. The Department is preparing to move forward with a rewrite of this act, in the very near future, with the agreement of the new agency. (See item F&O/96-3)

Other Legislation - Several statutes will be eliminated when Bill C-62 is enacted. Their relevant provisions will be incorporated in the new *Fisheries Act*. They are:

- the *Fisheries Development Act*;
- the *Atlantic Fisheries Restructuring Act*;
- the *Pacific Fur Seals Convention Act*;
- the *Coastal Fisheries Protection Act*.

Initiatives for 1997

F&O/96-1-M

Fisheries Act

As a result of regulatory and program reviews, and a departmental reorganization, a new *Fisheries Act* (Bill C-62) was introduced in the House of Commons on October 3, 1996. The Act represents the first comprehensive rewrite since 1868. It will consolidate authorities for resource management under a single statute and reflect DFO's new approach to fisheries management. The main elements are as follows:

1. Regulatory streamlining - DFO's new fisheries management order power should increase the effectiveness of fisheries management by allowing managers to respond quickly and effectively when threats to the resource demand it. The order power

will allow the Minister, or his or her designate, to set close times, quotas, and size and weight limits for fish. Combined with the expanded use of licence conditions, this will minimize DFO's reliance on the regulatory process and create a regulatory regime that is both responsive and effective.

With the shift to new regulatory instruments, most regulations made under the *Fisheries Act* will be revised in the next two years, an exercise that could reduce total regulatory volume by more than 50 per cent. For example, the British Columbia Sport Fishing Regulations, which are currently 103 pages long, would be reduced to 15 pages, without any dilution of the Minister's ability to ensure conservation and protection of fish.

Because of the introduction of the new Act, the following regulatory amendments that were forecast in the 1995 *Federal Regulatory Plan* have either been delayed or have become part of larger revision packages:

- The *Atlantic Fishery Regulations, 1985* (F&O/95-2-N-L), which will be rewritten, may absorb the following entries from the 1995 *Federal Regulatory Plan*: F&O/95-3-N-L (Close Times and Licence Requirements), F&O/95-4-N-L (Lobster Traps), F&O/95-5-N-L (Commercial Fishing near Quebec Salmon Rivers), F&O/95-6-N-L (Whelk Minimum Size) and F&O/95-8-N-L (Tour Boat Operations, Possession Limits, and Catch and Release Provisions);
- The *Fishery (General) Regulations* (F&O/95-13-N-L) - Fisheries Data Reporting and Record-Keeping;
- Amendments to the *Maritime Provinces Fishery Regulations* in 1997 will also include the following entries from the 1995 *Federal Regulatory Plan*: F&O/95-16-N-L (Recreational Eel Fishery), F&O/95-17-N-L (Recreational Fishing Restrictions in Nova Scotia), F&O/95-18-N-L (Ice Fishing in P.E.I.) and F&O/95-19-N-L (Trout Minimum Length in P.E.I.);
- The *Newfoundland Fishery Regulations* (F&O/95-21-N-L) - Rewrite;
- The *Pacific Fishery Regulations, 1993* (F&O/95-23-N-L) - Commercial Fishery Review; and
- The *Yukon Territory Fishery Regulations* - Rewrite (Future Initiatives, 1995).

2. A framework for delegation of certain fish habitat management responsibilities to the provinces - The new Act creates the framework necessary to delegate certain habitat management responsibilities to the

provinces. Provinces would have a variety of powers, although certain prescribed projects, in particular those with potentially significant effects on fish habitat, would remain the responsibility of the federal Minister. Regulations will set out a list of projects that will remain within the realm of DFO. The classes of projects requiring permits will be determined after consultations with stakeholders; permits will set out what actions will be required of developers to mitigate or prevent impacts on fish habitat. The mandatory permit provisions will replace authorizations under subsection 35(2) of the present Act as a trigger for the federal environmental assessment process under the *Canadian Environmental Assessment Act*.

3. A more effective penalty system - An administrative sanctions process is being proposed to provide administrative penalties for fisheries violations.

A broad range of penalties would be made available to an arm's-length tribunal as a deterrent to illegal fishing. These include: licence suspensions or cancellations; prohibitions on applying for licences in the future; quota reductions in future years; forfeitures of vessels, gear and illegally caught fish; and monetary penalties up to a maximum of \$15,000 to be prescribed by regulation. Fine levels for the ticketing system now being studied will be established in most regulations made pursuant to the *Fisheries Act*.

4. A single, integrated framework for the management of domestic and foreign fisheries - Integration of the *Fisheries Act* and the *Coastal Fisheries Protection Act* will provide one comprehensive legislative framework for both domestic and foreign fisheries. Integration will also merge the enforcement regimes established under both acts. Legislative changes are also required to permit Canada to enter into reciprocal enforcement agreements with other countries. The *Coastal Fisheries Protection Regulations* will be revised and a new set of regulations will be made under the *Fisheries Act*.

5. Partnering agreements - The new Act will also provide express authority for DFO to enter into "partnering" agreements with organizations that represent licence holders or other stakeholders, subject to a ministerial override for conservation reasons.

6. Repeal of the *Atlantic Fisheries Restructuring Act*, the *Fisheries Development Act* and the *Pacific Fur Seals Convention Act*

Legal authority: *Fisheries Act*

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F&O/96-3-I

Fish Inspection Act (Rewrite)

The *Fish Inspection Act* and the *Fish Inspection Regulations* are proposed for amendment by April 1997 to establish broader regulatory authorities and to update the current regulations.

The *Fish Inspection Regulations* (see F&O/95-12-O-I in the 1995 *Federal Regulatory Plan*) have been amended several times over the past 26 years to deal with specific needs as they arose. During that time, however, no broad review was undertaken. There is a need to ensure that these regulations are compatible with Canada's international trade obligations, taking into consideration developments in international standards for fish and fish products. In addition, changes are needed to bring about greater harmonization with other federal food inspection regulations and to reflect technological developments in the food processing industry.

Taken together, the changes will enhance the industry's international competitiveness by ensuring that the regulations allow for innovative products and processes. The changes will also address consumer concerns regarding health and the safety of fish products.

Legal authority: *Fish Inspection Act*

Contact: David Rideout, Director General, Inspection Directorate, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0412; Fax: (613) 993-4220.

F&O/95-11-L

Fish Health Protection Regulations (Rewrite)

The *Fish Health Protection Regulations* are being amended following national consultations with all interested parties. Amendments are required to ensure that the necessary powers are in place to prevent the introduction and spread of infectious diseases of aquatic organisms. The Regulations' application will be expanded to all species of finfish (not just salmonids). There will also be new requirements related to: notification of some disease agents; inspection and testing of fish; treatment and eradication of diseases; disposal and destruction of

stocks; and quarantine and isolation of stocks. The Manual of Compliance to the Regulations will be amended to include new data on diagnostic technologies and guidelines for fish disease emergency procedures, quality assurance and quality control in diagnostic laboratories, and appeal procedures.

Economic impacts of these amendments include reduced disease inspection requirements for some commodities. Shipments of eggs or fish that are not permitted now could be permitted between zones of equal health status. The costs for disease inspections required under the Regulations will shift from government to the private sector. Changes that result in increased costs to the private sector will be phased in to minimize the impact on industry.

Legal authority: *Fisheries Act* (R.S., chapter F-14), section 43

Contact: T.G. Carey, Senior Policy/Program Advisor, Aquaculture and Habitat Science Branch, Fisheries and Oceans, Ottawa, Ontario, K1A 0E6.
Tel.: (613) 990-0273; Fax: (613) 954-0807.

F&O/97-1-I

Small Vessel Regulations - Equipment Carriage Requirements and Compliance/ Capacity Plate Provisions

These amendments are part of a long outstanding comprehensive rewrite of the Regulations, to improve the safety equipment carriage provisions and improve the enforceability of the certification system for construction standards. The rewrite has been developed by a joint Coast Guard - Industry Working Group. Some of the amendments contained in the rewrite require new legislative authorities included in a bill of miscellaneous amendments to the *Canada Shipping Act*, which is currently being advanced by Transport Canada. The amendments to the regulations being proposed here are those that can proceed under the current legislation so they can be in place in time for the 1997 boating season (formerly TC/95-51).

Legal authority: *Canada Shipping Act*

Contact: Cathy Sandiford, Director, Office of Boating Safety, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-3105;
Fax: (613) 996-8902.

F&O/97-2-I

Small Vessel Regulations - Licensing of Pleasure Craft

This amendment will reflect the results of the Small Vessel Partnerships Project initiated in 1994. The purpose of the project was to explore the means to create an efficient, affordable and self-funded boating safety program. Extensive consultations were conducted involving all levels of government, boating organizations, marine manufacturers and the boating public. It has already been concluded that a modest licence fee would be appropriate to help partially fund boating safety program costs. The report of the national public consultations is scheduled to be published in September 1996.

Legal authority: *Canada Shipping Act*, sections 108 and 562, and section 41 of the *Oceans Act* (Bill C-26)

Contact: Charles Gadula, Small Vessel Partnership Project, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-2757;
Fax: (613) 996-8902.

F&O/R-3-L

Boating Restrictions Regulations (Annual Amendment)

These Regulations are a key tool for regulating the operation of small craft including provisions for controls such as speed restrictions. These amendments are made to improve the safety of navigation and boating activities on specified bodies of water. On an annual basis, participating provinces submit requests for amendments to schedules restricting boating on specified waters (formerly TC/R-9).

Legal authority: *Canada Shipping Act*, subsections 562(2) to (4)

Contact: Jean Pontbriand, Office of Boating Safety, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-1433;
Fax: (613) 996-8902.

F&O/97-4-M

Marine Navigation Services Fees Regulations

The *Marine Navigation Services Fees Regulations* impose user fees for marine navigation aids and other marine navigation services provided by the Coast Guard. These amendments are to adjust current fees and will be subject to a socio-economic impact analysis

currently underway. Consultations will be conducted through the Canadian Marine Advisory Council and the Marine Advisory Board.

Legal authority: *Financial Administration Act*

Contact: Suzanne Shirriff, Director, Marine Services Fees, Fisheries and Oceans, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 993-6943; Fax: (613) 990-3480.

F&O/97-5-M

Icebreaking Services Fees Regulations

The *Icebreaking Services Fees Regulations* will introduce user fees for icebreaking services provided by the Coast Guard. The fee structure will be determined after a socio-economic impact analysis, currently underway, and consultations, which will be conducted through the Canadian Marine Advisory Council and the Marine Advisory Board.

Legal authority: *Financial Administration Act*

Contact: Suzanne Shirriff, Director, Marine Services Fees, Fisheries and Oceans, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 993-6943; Fax: (613) 990-3480.

F&O/97-6-I

Miscellaneous Amendments

Should the passage of Bill-C-62 (the new *Fisheries Act*) be substantially delayed, the Department will consider proceeding with amendments to the following Regulations:

- *Fishery (General) Regulations*
 - Dockside Monitoring amendments
- *Atlantic Fishery Regulations, 1985*
 - Retaining of rock crab while fishing for lobster - revoke
 - Require lobsters to be measured when they are removed from traps
 - Require fishing tags to be "approved by Minister"
 - Allow fishing for scallop spat with spat collectors
 - Require fishers to return all groundfish caught incidentally
 - Prohibit commercial fishing near mouth of salmon rivers
 - Set a minimum size for whelk
 - Add a number of new species to be regulated
 - Include more species to be regulated in certain NAFO divisions

- *Marine Mammal Regulations*
 - Complete review of rules on seals
- *Pacific Fishery Regulations, 1993*
 - Require all groundfish fishers to retain all groundfish,
 - Restrict troll fishery to single barbless hook
- *British Columbia Sport Fishing Regulations, 1996*
 - Licence fee amendment
- *Quebec Fishery Regulations (1990)*
 - minor changes to quotas and close time provisions
- *Ontario Fishery Regulations*
 - minor changes to quotas and close time provisions
- *Manitoba Fishery Regulations, 1987*
 - minor changes to quotas and close time provisions
- *Alberta Fishery Regulations*
 - minor changes to quotas and close time provisions

Legal authority: *Fisheries Act*

Contact: Sharon Ashley, A/Director, Legislative and Regulatory Affairs, Strategic Planning and Liaison, Policy, Fisheries and Oceans, Station 1134, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

Future Initiatives

Small Vessel Regulations (Rewrite)

A long outstanding comprehensive rewrite of the Regulations has been developed by a joint Coast Guard - Industry Working Group. The amendments will improve the safety equipment carriage provisions and improve the enforceability of the certification system for construction standards. The amendments contained in the rewrite require new legislative authorities included in a bill of miscellaneous amendments to the *Canada Shipping Act*, which is currently being advanced by Transport Canada.

As part of the rewrite, DFO will be recognized as having authority for regulations pertaining to recreational craft. The *Small Vessel Regulations* currently cover both recreational craft and small commercial vessels. The administration of these regulations is shared between the Coast Guard and Transport Canada. Authorities for the Regulations remain with Transport Canada. In view of the transfer

of responsibilities for recreational craft to the Department of Fisheries and Oceans, there is a requirement to establish separate regulations to be administered by each department.

Classification: Intermediate-cost initiative

Contact: Cathy Sandiford, Director, Office of Boating Safety, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-3105; Fax: (613) 996-8902.

Boating Restrictions Regulations (Rewrite)

The *Boating Restrictions Regulations* currently cover both recreational craft and small commercial vessels. The administration of these regulations is shared between the Coast Guard and Transport Canada. Authorities for the Regulations remain with Transport Canada. In view of the transfer of responsibilities for recreational craft to the Department of Fisheries and Oceans, there is a requirement to establish separate regulations to be administered by each department. In the rewrite, DFO will be recognized as having authority for regulations pertaining to recreational craft.

Classification: Low-cost initiative

Contact: Jean Pontbriand, Office of Boating Safety, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-1433; Fax: (613) 996-8902.

Regulations for Marine Chemical Emergencies

Regulations may be developed to require chemical handling facilities and ports to develop chemical spill contingency plans. This may include the obligation to ensure a response to chemical incidents within the boundaries of their facilities and participate in a regime capable of responding to larger emergencies. Vessels may also have to have chemical spill contingency plans. Shippers/importers may be required to provide technical assistance, in particular for packaged shipments. Regulations may also set out planning and response standards (by reference) and the list of substances to be covered. Consultations with stakeholders are being conducted. The legislative authority will be one or all of the following: the *Canada Shipping Act* (following amendments), the *Transportation of Dangerous Goods Act*, or the *Oceans Act* (Bill C-26).

Classification: Low-cost initiative

Contact: Jacques Savard, Environmental Response Branch, Rescue, Safety and Environmental Response, Canadian Coast Guard, Fisheries and Oceans, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-3377; Fax: (613) 996-8902.

Foreign Affairs and International Trade Canada

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General information

Roles and responsibilities

The Department of Foreign Affairs and International Trade promotes and protects Canadian interests abroad and manages Canada's external relations. Major components of the program are foreign policy priorities and co-ordination; international trade development; international trade, economic and aid policy; political and international security affairs; legal, immigration and consular affairs; communication and culture; bilateral relations and operations; operational support; and human resource planning and administration.

Legislative mandate

The Department of Foreign Affairs and International Trade derives legislative authority from the *Department of Foreign Affairs and International Trade Act*, which authorizes regulations for consular services cost recovery. In the economic field, the *Export and Import Permits Act* gives the government the authority to control and monitor the transborder flow of specified goods. Other enabling legislation governing Canada's international obligations include:

- *Chemical Weapons Convention Implementation Act*
- *Diplomatic and Consular Privileges and Immunities Act*
- *Food and Agriculture Organization of the United Nations Act*

- *International Boundary Waters Treaty Act*
- *Privileges and Immunities (International Organizations) Act*
- *Rainy Lake Watershed Emergency Control Act*
- *Roosevelt Campobello International Park Commission Act*
- *United Nations Act*
- *United Nations Air Services Act*

Initiatives for 1997

FAIT/R-1-L

Export Control List

This regulatory initiative is intended to address amendments to the national and international export controls as detailed in the Export Control List of September 1996.

These changes will result in a new Export Control List covering Canada's bilateral and multilateral international agreements, such as the Wassenaar Arrangement, and the various non-proliferation regimes including, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group and the Chemical Weapons Convention.

Legal authority: *Export and Import Permits Act*, sections 3 and 6

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933;
Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-2-L

General Export Permits

This regulatory initiative is intended to address amendments to existing General Export Permits (GEP) to be consistent with changes being made to the Export Control List in 1997.

These changes will amend current regulations, or add new regulations, to help streamline the export control process for the benefit of the Canadian exporting community.

Legal authority: *Export and Import Permits Act*, section 7

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; ; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-3-L

Export Permit Regulations

This regulatory initiative is intended to address amendments to the *Export Permit Regulations* to bring them up to date and to be consistent with the period of validity of permits and the new permit application form.

These changes will result in consistency with current practices.

Legal authority: *Export and Import Permits Act*, section 12

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-4-L

Area Control List

This regulatory initiative is intended to address amendments to the existing Area Control List (ACL) to be consistent with changes in Canadian policy.

The United Nations and other international organizations of which Canada is a member occasionally pass resolutions to impose or lift trade embargoes or sanctions against countries. Changes to the Area Control List will be made in a timely manner to effectively implement Canadian policy.

Legal authority: *Export and Import Permits Act*, section 6

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-5-L

Privileges and Immunities Order

In order to respect its international obligations, the Government of Canada is obliged to grant privileges and immunities to different international organizations exercising some activities in Canada, as well as to representatives of member states and to the officials of these organizations who are neither citizens nor permanent residents of Canada. Canada is also obliged to grant privileges and immunities to the organizers and participants of international conferences taking place in Canada to such extent as may be required for the exercise of their functions.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Donald W. Smith, Director, Legal Advisory Division, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 992-6296; Fax: (613) 944-0870.

FAIT/96-3-L

Import Control List - Harmonized System Based (Textiles and Textile Articles)

The list of textiles and textile articles on the Import Control List will be replaced with a list of goods based on the International Commodity Description and Coding System. This will facilitate our commitment under the *World Trade Organization*, the *North American Free Trade Agreement*, the *Customs Tariff* and other intergovernmental textile trade arrangements.

Legal authority: *Export and Import Permits Act*, section 6

Contact: Greig Lund, Special Trade Policy Division, Export and Import Permits Bureau, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6. Tel.: (613) 995-5775; Fax: (613) 995-5137.

FAIT/96-5-M

Regulations to Implement the Free Trade Agreement between Canada and Chile

Depending on the outcome of the negotiations on a bilateral free trade agreement with Chile, it will be necessary to adopt new regulations or amend existing ones under a number of Acts, including the *Customs Act*, the *Customs Tariff*, the *Export and Import Permits Act*, the *Food and Drugs Act*, the *Immigration Act*, the *Meat Inspection Act*, and the implementing legislation for the agreement.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Valerie Hughes, General Counsel, Trade Law Division, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1A 0G2.
Tel.: (613) 943-2803; Fax: (613) 944-0027.

FAIT/96-4-M

Regulations to Implement the Free Trade Agreement between Canada and Israel

A free trade agreement between Canada and Israel was signed on July 31, 1996, and will come into force on January 1, 1997. Responsible departments are reviewing the agreement to determine what regulations must be adopted or amended to give effect to the agreement. A number of acts, including the *Customs Act* and the *Customs Tariff*, will be amended through legislation to be introduced in Parliament.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Valerie Hughes, General Counsel, Trade Law Division, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1A 0G2.
Tel.: (613) 943-2803; Fax: (613) 944-0027.

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General information

Roles and responsibilities

The regulations of the Health Protection Program are put in place to help Canadians manage risks to their health and safety by ensuring safe and nutritious food, safe and effective drugs and medical devices, safe consumer products, and healthy working and living environments. The regulatory philosophy is based on assessments of risk. Not only does this allow the **Health Protection Branch** to allocate resources most effectively by giving higher priority to matters posing greater risks, it also provides a guide to more flexible and innovative regulation, so areas of less concern are regulated more lightly. Risk-based regulations are also more flexible in the face of innovation and changing technology, or in response to unforeseen hazards. Regulations are based on sound information, shared by the regulator and the regulated industry; a clear understanding of the basis of regulation promotes compliance.

In 1997, the Health Protection Branch will pursue several initiatives to bring regulations into line with this philosophy. Cost-recovery initiatives will introduce fees for service, making the Branch more accountable for the delivery of its services, through performance standards for the quality and costs of service.

Implementation of a risk-based drug product licensing framework and a drug establishment licensing program will follow consultations begun in 1996. The safety of organs and tissues used in transplantation will be addressed. Regulations based on the risks associated with the use of medical devices will replace existing regulations.

Regulation of hazardous products, controlled products and consumer chemicals will be revised to take new and changing technologies into account. The new regulations will target hazards, rather than specific products, and will be more flexible and responsive, while including more products and doing so more consistently. The regulations will also be harmonized with those in the United States.

Regulations will be proposed to enhance control of herbs and botanical preparations, which are becoming more common. Novel foods will also be brought into the regulatory framework. At the same time, interim marketing authorization will allow foods using improved ingredients to reach the marketplace more quickly.

Where appropriate, regulations for bottled water will be harmonized with current guidelines for drinking water. New legislation is being developed to regulate drinking water treatment devices, additives and system components, using consensus health standards and third-party certification.

Improved labelling for foods and cosmetics, and better communication of the risks posed by some ingredients, will help consumers avoid adverse reactions.

New legislation and regulations will be introduced to regulate tobacco products and their promotion.

Harmonization with trading partners will continue to be a major consideration. A mutual recognition agreement for medical devices is being negotiated with the European Union, and discussions have begun with the United States; revised radiation protection regulations will be aligned with international standards, and will more accurately reflect the current state of equipment design technology; standards for foods are generally consistent with those developed by United Nations agencies.

The Occupational and Environmental Health Directorate of the **Medical Services Branch** continues to monitor equipment and facilities serving the travelling public and on federal property open to the public.

The establishment of the **Pest Management Regulatory Agency** in 1995 consolidated responsibility and resources for pest management regulation under the Minister of Health. Proposed reforms will provide more effective and efficient pest management regulation, which will contribute to health and environmental protection, and to the creation of jobs and services in the sectors dependent on pesticides, such as agriculture, forestry and aquaculture. The reforms are based on the recommendations of the multi-stakeholder Pesticide Registration Review of 1990. Improvements will continue to be made through international harmonization, by establishing and streamlining performance standards, and by revising or replacing existing regulations. Cost recovery orders are planned for early 1997. Major amendments to the *Pest Control Products Act*, planned for introduction to Parliament in late 1996, will provide expanded regulation-making authority in line with recommendations of the Review.

Legislative mandate

The following acts are administered in whole or in part by the Minister of Health Canada:

- *Canada Medical Act*
- *Canadian Centre on Substance Abuse*
- *Canadian Environmental Protection Act*
- *Controlled Drugs and Substances Act* (formerly the *Narcotic Control Act*)
- *Department of Health Act*
- *Federal Provincial Fiscal Arrangements and Federal Post Secondary Education and Health Contributions Act*
- *Financial Administration Act*
- *Fitness and Amateur Sport Act*
- *Food and Drugs Act*
- *Hazardous Products Act*
- *Health Canada Act*
- *Health Resources Fund Act*
- *Medical Research Council Act*
- *Patent Act*
- *Pest Control Products Act*
- *Pesticide Residue Compensation Act*
- *Quarantine Act*
- *Queen Elizabeth II Canadian Research Fund Act*
- *Radiation Emitting Devices Act*
- *Sport Pool and Loto Canada Winding-up Act*
- *Tobacco Products Control Act*
- *Tobacco Sales to Young Persons Act*

Administrative arrangements

- *Aeronautics Act*
- *Atomic Energy Control Act*

- *Broadcasting Act*
- *Canada Labour Code*
- *Canadian Shipping Act*
- *Energy Supplies Emergency Act*
- *Excise Tax Act*
- *National Parks Act*
- *Railway Act*
- *Trade-marks Act*

Initiatives for 1997

Health Protection Branch

HC/94-27-I

Cosmetics Regulations - Cosmetic Regulatory Framework

This initiative would amend the *Cosmetic Regulations* to the *Food and Drugs Act* to require the qualitative declaration of all ingredients on the labels of cosmetics.

Cosmetics ingredient labelling would give consumers and others access to information that may help them prevent, diagnose or treat adverse reactions to cosmetics. These reactions can be serious and are often distressing and painful to the individual affected.

The cost of amending the labels of cosmetic products will be outweighed by the benefit to consumers, who will be able to avoid serious allergic reactions to cosmetic ingredients by purchasing products that do not contain ingredients to which they are allergic. The costs to manufacturers will be minimized by deferred implementation of the regulatory amendments.

The department has consulted all segments of the affected industry, professional associations and consumer groups regarding cosmetics ingredient labelling, through the Information Letter process and a stakeholders' meeting in October 1993.

When the *Cosmetic Regulations* are amended to require cosmetic ingredient labelling, the requirement in the Regulations for cosmetic product notification will be abolished. Cosmetic manufacturers will be required to register annually. The annual registration will provide the Drugs Programme with information on who is selling cosmetic products in Canada. The information provided in the annual registration will allow the department to contact manufacturers quickly, should the need arise.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: chantal_trepanier@isdtcp3.hwc.ca

HCan/95-15-L

Food and Drug Regulations - Drug Identification Number (DIN) Information Requirements

This initiative would introduce decision criteria and data requirements for drug identification number (DIN) products not in new drug status. These criteria and data requirements would be tailored to risk/benefit assessment.

This regulatory amendment will require manufacturers to notify the Drugs Directorate before the sale of the product when the product's use or purpose, or the recommended dosage, has changed. This will ensure that proposed new uses or dosages for a drug product are reviewed and approved before the product is put on the market.

In addition, this proposal will provide a regulatory framework for managing and screening information submitted to the Drugs Directorate to gain market authorization for drugs.

There should be a minimal cost impact for industry since the information must be filed anyway. Any additional costs will be more than offset by facilitating the review process. Canadians will benefit from this initiative through the more timely availability of new drug therapies.

Manufacturers are aware of the initiative as the practice is currently encouraged through Drugs Directorate guidelines. The major pharmaceutical associations have been consulted and agree in principle with this proposal.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: chantal_trepanier@isdtcp3.hwc.ca

HCan/96-6-I

Controlled Drugs and Substances Regulations

Bill C-8 (Controlled Drugs and Substances Bill) received Royal Assent on June 20, 1996. This initiative will transfer the current drug control legislation found in the *Narcotic Control Regulations* and parts G and J of the *Food and Drug Regulations* to the *Controlled Substances Act*. Since the initiative is simply a roll over of existing regulations, with no changes, the department has requested permission not to republish it.

Legal authority: *Controlled Drugs and Substances Act*, section 55

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-7-I

Conjugated Estrogens

The current Canadian standard for conjugated estrogens is based on 1970 criteria.

This amendment will provide manufacturers with a Canadian standard for conjugated estrogens that reflects current technology and practice. The standard has been anticipated for several years.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-8-L

Food and Drug Regulations - Marketed Drugs Notifiable Change (Regulatory Reform)

The issue of a Notice of Compliance for a new drug is followed, on average, by three supplemental new drug submissions. Manufacturers must file the information and the Drugs Directorate must review it. A notification system for minor changes could reduce this workload.

These amendments would allow notification of simple changes rather than requiring a supplemental new drug submission, thereby reducing the number of supplemental new drug submissions.

This initiative reduces the administrative burden for the government and industry caused by minor changes to drug products. Also, the initiative reduces the volume of interpretation requests that Health Canada receives from industry for individual drug products.

Health Canada consulted all segments of the affected industry, professional associations and consumer groups on this initiative through the Information Letter Process.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-10-L

Food and Drug Regulations - Schedule J - Addition

This initiative will establish Schedule J to the *Food and Drug Regulations*. Products to be exempt from the *Food and Drug Regulations*, but subject to the *Medical Devices Regulations*, will be placed on this schedule. Health Canada will review recommendations for additions and will consult with all stakeholders before making additions to Schedule J.

This initiative will help harmonize Health Canada regulations with those of other jurisdictions.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-11-L

Drug Regulatory Review Initiatives

In addition to the initiatives included elsewhere in the 1997 *Federal Regulatory Plan*, amendments to the *Food and Drug Regulations* may be proposed to respond to items identified in the regulatory review. These may

include, but are not limited to, labelling of drugs and kits, advertising concerns, elimination of redundant regulations and indexing of the Regulations.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HCan/96-12-L

Food and Drug Regulations - Division 10 (Revocation)

Division 10 of the *Food and Drug Regulations* sets out requirements for issuing a numbered certificate of registration for GP products (proprietary medicines). Products currently eligible for consideration under Division 10 are considered to be low-risk products. However, existing regulations require the manufacturers to file extensive information for review prior to approval.

This initiative will eliminate Division 10 of the Regulations, thereby removing an unnecessary burden on manufacturers and streamlining the drug review process. Products previously registered under this Division of the Regulations will be issued drug identification numbers (DINs). In addition, this initiative will help the provinces harmonize their drug schedules.

This amendment has been requested by drug manufacturers.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/97-1-M

Food and Drug Regulations - Establishment Licensing Framework

This regulatory initiative is intended to improve the management of risks associated with the fabrication, packaging, testing, importation and distribution for sale of both human and veterinary drugs in Canada. Introducing an establishment licensing framework and

uniform good manufacturing requirements for all drugs will address this situation. It will therefore propose that manufacturers of all drugs listed on Schedules C and D to the *Food and Drugs Act* comply with the requirements of Division 2 of the *Food and Drug Regulations*.

In addition, this proposal will support the development of mutual recognition agreements, and will move the department toward a more harmonized approach to regulation. The proposed framework will reflect risk management principles and allow the department to introduce efficiencies into the system so that resources are allocated to the maximum benefit.

This proposal will also establish the possession of a valid licence as a condition of sale for all drugs. The licensing process will facilitate compliance and enforcement efforts by providing the authorities with readily accessible information on drug manufacturing facilities.

The original proposal was the subject of broad-based consultation with all segments of the affected industry.

Manufacturers will benefit from a clearer and more efficient regulatory scheme, and Canadian standards will be harmonized with those of other countries.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HCan/97-2-L

Food and Drug Regulations - Special Access Scheme - Emergency Drug Release Program

Under the emergency drug release provisions of the *Food and Drug Regulations*, the Drugs Directorate can authorize a manufacturer to release a stated quantity of an investigational new drug to a specific physician for a particular patient for a medical emergency.

A proposal will be developed to improve the efficiency of this service and to answer the questions posed by Dr. Gagnon in his review of the Drug Programme. Details of the proposal will be communicated in 1996.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate,

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HCan/97-3-I

Food and Drug Regulations - Drug Categorization and Product Licensing

The Drugs Programme released a new drug licensing framework in January 1996 for consultation. It describes a renewed, risk-based drug approval and licensing process, which links pre- and post-market activities.

Implementing the framework may require changes in a number of infrastructure elements, including the *Food and Drug Regulations*. Analysis and consultations leading to an implementation strategy are expected to take one year from July 1996.

The nature and scope of regulatory change are not known at this time. Amendments to the *Food and Drug Regulations* required to support these changes will likely be initiated late in 1997.

Legal authority: *Food and Drugs Act*, section 30

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HCan/97-4-I

Human Tissues and Organs

The transplantation of human organs (heart, lung, liver, kidney, pancreas, intestine) and tissues (cornea, heart valve, bone, dura, fascia, skin, reproductive tissues, bone marrow and stem cells) is a common activity in Canada. This initiative will establish national standards that will address the safety of organs and tissues intended for transplantation.

The proposal may include provisions for record keeping, reports of adverse events and overseeing regulations. These provisions will contribute to an increasing understanding of the actual risk of disease transmission via tissues and organs, and to a better risk management system for reacting to new hazards.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate,

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Internet: chantal_trepanier@isdtcp3.hwc.ca

HCan/97-5-L

Adverse Drug Reaction for Investigational New Drug (IND) Submissions

As part of ongoing initiatives to improve the delivery of regulatory programs, the Drugs Directorate is proposing to change the adverse drug reaction regulations for investigational new drug (IND) submissions to provide industry with clear, harmonized international requirements.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458
Internet: joan_korol@isdtcp3.hwc.ca

HCan/97-6-L

Controlled Drugs and Substances Regulations - International Conventions

This initiative will introduce new requirements to comply with international conventions to which Canada is a signatory. It will also introduce new regulations for precursors and other classes of products required by the Act.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458;
Internet: joan_korol@isdtcp3.hwc.ca

HCan/R-13-L

Food and Drugs Act and Regulations Schedules A, D and F - Additions and Corrections

Various amendments will change Schedule A (diseases) and Schedule D (biological) to the *Food and Drugs Act*, and Schedule F (prescription drugs) to the *Food and Drug Regulations*.

Additions to schedules D and F reflect the risk-benefit profile of drugs. Additions to Schedule A reflect

diseases for which drugs cannot be advertised to the general public, as it is recommended that patients consult their physician.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/R-14-L

Food and Drug Regulations - Drug Colouring Agents - Additions, Deletions and Corrections

This action adds, deletes or corrects entries to the lists of colouring agents permitted in drugs for internal or external use.

Additions to the colour list in the *Food and Drug Regulations* give drug manufacturers more flexibility regarding acceptable colouring agents and provide for a more efficient review process.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: chantal_trepanier@isdtcp3.hwc.ca

HCan/R-15-L

Food and Drugs Act and Regulations - Schedules A, D, and F - Deletions

Deletions from Schedule F of the Regulations allow a change in the sale of drug products from prescription to over-the-counter status. Proposals to deschedule are often recommended by the manufacturer of a particular drug and are subject to government review based on the drug's safety profile. When the benefit-to-risk ratio is justified, the drug product is recommended for deletion from Schedule F following the normal regulatory consultation process with stakeholders, thereby giving the public easier access to safe and effective treatments without unnecessary restrictions.

Proposals respecting deletions from any of these schedules reflect changes in the information available on the relative risk-benefit profile.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/R-16-L

Food and Drug Regulations (Housekeeping Changes)

This proposal is to make minor housekeeping amendments respecting drugs to the *Food and Drugs Act* and the *Food and Drug Regulations*. For administrative reasons, these amendments cannot be included in the miscellaneous amendment submission put forward by the department.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/R-17-L

Controlled Drugs and Substances Act - Schedule

In the past, when required, drugs have been added to schedules G and H to the *Food and Drugs Act* and to the Schedule to the *Narcotic Control Act* to prevent their illicit use. Controlled drugs, other substances and narcotic drugs will now be added to the schedules of the new *Controlled Drugs and Substances Act*.

Legal authority: *Controlled Drugs and Substances Act*, section 55

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-1-M

Establishment Licences Fees

This initiative will be switched from a regulation under the *Financial Administration Act* to a fee order under the *Department of Health Act*.

In Health Protection Branch Information Letter No. 748, the Drugs Directorate announced its intention to charge fees. Such fees are the norm in other countries and have been government policy in Canada for a number of years.

This proposal will establish fees for issuing establishment licences and verifying compliance with good manufacturing procedures.

Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover annual licence fees to start in 1997. This regulation will be given priority status for implementation as soon as possible.

Legal authority: *Department of Health Act*, sections 6, 7, 8

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HCan/96-2-L

Import and Export of Narcotic and Controlled Drugs Fees

This initiative will be switched from a regulation under the *Financial Administration Act* to a fee order under the *Department of Health Act*.

In Health Protection Branch Information Letter No. 748, the Drugs Directorate announced its intention to charge fees for service. Such fees are the norm in other countries and have been government policy in Canada for a number of years.

This proposal will establish fees for issuing import or export certificates for narcotic and controlled drugs. Health Canada follows Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process. Consultation sessions were held with industry in August 1996.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of these certificates. The regulations will be given priority status for implementation.

Legal authority: *Department of Health Act*, sections 6, 7, 8 or *Controlled Drugs and Substances Act*, section 55

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HCan/96-3-M

Cosmetic Program Fees

This initiative will be switched from a regulation under the *Financial Administration Act* to a fee order under the *Department of Health Act*.

This proposal will establish fees for the service provided by the cosmetic program of the Drugs Programme. It will be submitted to the Treasury Board as soon as possible. Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process. It is anticipated that the proposed fees will become law in 1997.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of this service. Further details will be provided through direct communication with stakeholders and in *Canada Gazette*.

Legal authority: *Department of Health Act*, sections 6, 7, 8

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: chantal_trepanier@isdtcp3.hwc.ca

HCan/96-4-M

Marketed New Drugs Fees (Changes)

This initiative will be switched from a regulation under the *Financial Administration Act* to a fee order under the *Department of Health Act*.

This proposal will add fees for evaluating the safety of minor changes made by manufacturers to new drugs, as currently outlined in the Drugs Directorate Policy "Changes to Marketed New Drug Products." This proposal is in keeping with Treasury Board policy. It is anticipated that the proposed fees will be published in Part I of the *Canada Gazette*, in early 1997.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of this service. Further details will be provided in

the *Canada Gazette* and through direct communication with stakeholders, once the details are better defined.

Legal authority: *Department of Health Act*, sections 6, 7, 8

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: joan_korol@isdtcp3.hwc.ca

HCan/96-9-L

Drug Evaluation Fee Link to Performance Standards

This initiative will be switched from a regulation under the *Financial Administration Act* to a fee order under the *Department of Health Act*.

The Drugs Directorate is committed to ensuring that the Drugs Programme is funded adequately to provide safe and effective pharmaceutical products to the Canadian public in a timely manner. An integral part of this initiative was the introduction of performance standards for the submission review process.

The Drugs Programme has developed performance standards which are competitive internationally. The government will propose to link the *Drug Evaluation Fees Regulations* to the agreed-upon timeframes for review. In addition, the change will provide clear direction on the interest to be charged if a sponsor initially underpays for a submission review.

Legal authority: *Department of Health Act*, sections 6, 7, 8

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HCan/97-12-M

Drug Programme (Cost Recovery)

The Drugs Directorate is committed to ensuring that the Drugs Programme is funded adequately so that it can fulfil its objective to ensure the availability of safe and effective pharmaceutical products to the Canadian public in a timely manner. Cost recovery will be introduced in three phases between 1995 and 1997. The Drugs Directorate has made a commitment

to the pharmaceutical industry that a fourth phase will comprehensively evaluate the impact of the fee regulations introduced during the first three phases. This evaluation could demonstrate a need to revise the fees to reflect changes in the program, and possibly to rebalance the fees between different cost recovery initiatives to minimize adverse impact on industry.

Legal authority: *Department of Health Act*, sections 6, 7, 8

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458; Internet: lauraine_begin@isdtcp3.hwc.ca

HWC/91-394-I

Laser Equipment - Standards

There are many applications of lasers in the medical, industrial and research fields. The proposed laser regulations establish standards of design, construction and function, as well as labelling requirements, for all laser equipment.

The proposal is intended to reduce health hazards such as skin burns, retinal burns, visual receptor damage and corneal burns associated with many types of laser equipment. Industry is not expected to object to this proposal as industry has helped develop it. Furthermore, there is only a minimal cost impact on industry related to the labelling standards contained within this initiative.

Health Canada has consulted manufacturers' associations, users' associations and hospital associations by submitting a draft of the amendment to them. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/91-396-I

Radiation Emitting Devices Regulations - Diagnostic X-ray Equipment

This proposed amendment to the *Radiation Emitting Devices Regulations* revokes the present standard for

diagnostic X-ray equipment and replaces it with a new one that is compatible with U.S. and internationally accepted standards and that reflects the current state of equipment design technology.

The proposal will make it unnecessary to withhold equipment of an advanced design from the Canadian marketplace or to modify such equipment to comply with the present standard. By removing the need for certain modifications, the proposal should decrease costs for Canadian consumers and manufacturers of diagnostic X-ray equipment, while maintaining safety and effectiveness. Industry is not expected to object to this proposal as industry has helped develop it. No departmental costs beyond the status quo are anticipated.

Health Canada has consulted manufacturers' associations, users' associations and hospital associations by submitting a draft of the amendments to them, and by discussing the draft in a round-table meeting with all concerned parties. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*, section 13

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

CCAC/91-146-I

Controlled Products Regulations - WHMIS (Technical)

The *Controlled Products Regulations* (CPR) came into effect on October 31, 1988 as part of the Workplace Hazardous Materials Information System (WHMIS). WHMIS is a national information system for hazardous materials used in the workplace. It consists of three elements: material safety data sheets (MSDSs), labelling and worker education programs. Amendments to the CPR will elaborate on existing WHMIS legislation, which was developed by a consensus process with industry, labour, and federal, provincial and territorial governments.

Necessary revisions will be identified during the ongoing regulatory process. They are not anticipated to have a substantive socio-economic impact. This amendment first appeared in the 1993 *Federal Regulatory Plan* as initiative number CCAC-40, in the

1994 *Federal Regulatory Plan* as initiative HC-72, and in the 1995 and 1996 federal regulatory plans as a carry-over from the previous years.

The Parliamentary committee that reviewed the exclusions from the existing WHMIS requirements of the *Hazardous Products Act* (HPA) has made recommendations that would require provision of WHMIS-type information for most products now excluded from the system. This will be accomplished either by removing the exclusion or establishing similar requirements under legislation governing the excluded products. The review process will take place with the consultation of representatives from industry, organized labour, and provincial and territorial governments. Amendments related to removing the exclusions from the HPA may have a substantive socio-economic impact. This amendment appeared in the 1994 *Federal Regulatory Plan* as a future initiative.

Legal authority: *Hazardous Products Act*

Contact: David Bideshi, WHMIS Division, Product Safety Bureau, Health Canada, 222 Nepean Street, 8th Floor, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 957-2331; Fax: (613) 952-1994; Internet: david_bideshi@isdtp3.hwc.ca

CCAC/91-141-L

Carriage and Stroller Regulations - Safety

New regulations to replace the current *Carriage and Stroller Regulations* are proposed. New regulations will significantly improve the safety of carriages and strollers and will adequately address changes in technology that have taken place and are likely to take place in the future.

Despite the introduction of regulations in 1985, the number of injuries associated with carriages and strollers remains significant. In recent years, it has been shown in Canada and the U.S. that leg hole openings in convertible carriage strollers may create a potential strangulation hazard. The new regulations will focus on this hazard.

The impact on industry is minimal since adequate lead time has been provided and since regulations are being modified to harmonize with similar changes to the U.S. standard for these products.

The proposed regulations will have a negligible effect on the cost of new products. Infants and small children will benefit from the increased safety of carriages and strollers.

Health Canada consulted with all interested parties in the industry, the medical profession, child safety associations and consumer groups by sending them working drafts of the proposed regulations. Furthermore, the department met on half a dozen occasions with industry to review and debate the implication of each of the requirements contained in the Regulations. As a result, Health Canada reached a consensus with industry.

Legal authority: *Hazardous Products Act*

Contact: François Dignard, Mechanical and Electrical Hazards Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Vanier Building, 8th Floor, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 952-6021; Fax: (613) 952-1994.

HWC/91-384-I

Medical Devices Regulations - In-Vitro Diagnostic Test Devices - Standard for Labelling - Schedule X

This proposal will amend Schedule X to the *Medical Devices Regulations* and establish additional labelling requirements for in-vitro diagnostic devices.

Implementation of the Schedule will reduce the potential for incorrect use of in-vitro diagnostic devices and misinterpretation of results.

Users will benefit from safer in-vitro diagnostic devices. No substantial costs will be incurred by manufacturers implementing this proposal.

There has been consultation following the announcement of the initiative in Information Letter No. 730, dated October 7, 1987. The initiative also appeared in the 1994 *Federal Regulatory Plan* as HC-52.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/95-44-I

Radiation Emitting Devices Regulations - Analytical X-ray Equipment

An amendment to the *Radiation Emitting Devices Regulations* is proposed to reflect the lower dose limits recommended by the International Commission on

Radiological Protection (ICRP) in 1990 and to make the Regulations easier for both regulators and manufacturers to interpret.

Any cost to industry as a result of this amendment would be negligible. This amendment may result in minor design changes to some equipment. The cost to manufacturers would, however, be commensurate with the changes required. In the long term, the simplification resulting from this amendment would benefit regulators and most manufacturers, since it would indirectly reduce the costs of associated compliance activities without compromising the relevant safety standards.

Health Canada consulted with manufacturers and users' associations by submitting a draft of the amendments to them. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/96-18-M

Medical Devices Regulations (Renewal)

As part of the continuing review of Canadian regulatory programs, the Medical Devices Review Committee (Hearn) was established in February 1991. The purpose of the Committee was to formulate recommendations concerning the regulation of medical devices and associated activities. Health Canada has studied the recommendations of the Hearn report and has produced a development plan for an improved medical devices program. The plan is based on the principle that the safety and efficacy of medical devices can best be assessed through a balance of pre-market review, quality systems and post-market surveillance.

The Medical Devices Program, with the assistance of an external advisory committee, has developed a risk-based classification system for medical devices. A number of regulatory proposals have been developed by a program working group. They try to a balance pre-market review, quality systems and post-market surveillance requirements while ensuring that the degree of scrutiny afforded a device is related to the risk it poses.

It is anticipated that the new *Medical Devices Regulations*, based on the regulatory proposals, will appear in *Canada Gazette* Part II by the fall of 1997.

The renewal of the *Medical Devices Regulations* is needed at this time to keep pace with global developments in the medical devices sector.

The revised *Medical Devices Regulations* will assure the safety and health of the Canadian public without, at the same time, placing an undue economic burden on industry.

Health Canada has consulted industry, industry associations, health care providers and health care associations. It used the Business Impact Test between March 1995 and July 1995 to obtain comments from these groups. Further consultation with a multi-stakeholder ad hoc group took place between September and November 1995. Additional consultation took place during January 1996 when the Medical Devices Program presented the proposals to stakeholders at meetings in Vancouver, Toronto, Montreal and Washington, D.C.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/96-19-I

Consumer Chemicals and Containers Regulations (Revision)

This revision introduces a criteria-based regulatory scheme to prescribe precautionary labelling and child-resistant containers for various chemical products used by the general public. This scheme will replace the current list-based system. The amended regulations will cover a greater number of hazardous products and will increase consumer protection.

The amendment will likely have an intermediate socio-economic impact. It is intended to reduce the injuries and costs due to accidents involving consumer chemical products, resulting in a savings of possibly four lives per year. The criteria-based system will expand the range of products covered. It will be easier to understand and simpler to administer in the long term. It will not require expensive and time-consuming regulatory updates when new products with unforeseen hazards enter the market. This, in

turn, would reduce the expenses incurred by the private sector in response to such regulatory changes.

Other alternatives considered and rejected were to continue with the current regulations and to allow for industry self-regulation.

The review was conducted with the active collaboration and input of organizations and individuals representing all stakeholders, including the chemical industry, seniors' and consumers' groups, the medical profession and public health organizations, technical experts, academia and federal government departments. Further consultation will follow publication in *Canada Gazette* Part I.

Legal authority: *Hazardous Products Act*

Contact: Paul Chowhan, Scientific Project Officer, Chemical/Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-7747; Fax: (613) 952-1994; Internet: paul_chowhan@isdtcp3.hwc.ca

HCan/96-20-I

Hazardous Products (Glazed Ceramics) Regulations (Revision)

The proposed revision to the *Hazardous Products (Glazed Ceramics) Regulations* will reduce the maximum permitted releasable lead in various glazed ceramic product categories and specify labelling on glazed ceramics that are for non-food use.

These proposed changes will harmonize Canadian and U.S. requirements and update the Regulations, which were originally promulgated in 1972 to protect Canadians from excessive lead and cadmium released from glazed ceramic foodware. Scientific studies have suggested that lead exposure levels previously considered safe may have adverse health effects, especially on young children and pregnant women. The proposed changes are also consistent with Health Canada's policy of reducing Canadians' exposure to lead and other toxic metals.

The cost impact of the proposed changes is expected to be minimal as most glazed ceramic foodware sold in Canada already complies with the proposed releasable lead limits.

Other alternatives considered and rejected were to continue with the current regulations, to develop a program of industry self-regulation and to implement

a public information program. Prepublication of the proposed revised regulations in Part I, *Canada Gazette* and a mailing was done in 1996 to consult with interested parties. If the final revised regulations are not published in Part II, *Canada Gazette* in 1996, then they will be published in 1997, at the same time as a mailing is sent to inform interested parties of the final changes.

Legal authority: *Hazardous Products Act*

Contact: Ben Tom, Chemical Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-0721; Fax: (613) 952-1994; Internet: ben_tom@isdtcp3.hwc.ca

HCan/96-21-I

Hazardous Products (Liquid Coating Materials) Regulations (Revision)

The proposed revision to the *Hazardous Products (Liquid Coating Materials) Regulations* will reduce the lead content and restrict the use of mercury compounds in residential paints. It will also require that non-residential paints with high lead content and exterior paints with high mercury content be appropriately labelled to inform consumers of the risks.

This revision will update and harmonize these regulations, which were originally promulgated in 1976 to protect consumers, especially children, from exposure to lead in paints. Scientific studies have suggested that lead exposure levels previously considered safe may have adverse health effects, especially on young children and pregnant women. The proposed changes are also consistent with Health Canada's policy of reducing Canadians' exposure to lead and other toxic metals.

The cost impact of the proposed changes is expected to be minimal as almost all of the Canadian paint manufacturing industry has already implemented the proposed changes to lead and mercury content of residential paints since January 1991. These proposed changes will ensure that the lead and mercury content of recycled and imported residential paints is also regulated.

Other alternatives considered and rejected were to continue with the current regulations, to ban lead and mercury in all paints, to continue the program of industry self-regulation and to implement a public

information program. In 1996, the proposed regulations were prepublished in Part I, *Canada Gazette* and a mailing was done to consult with interested parties. If the final revised regulations are not published in Part II, *Canada Gazette* in 1996, then they will be published in 1997, at the same time as a mailing is sent to inform interested parties of the final changes.

Legal authority: *Hazardous Products Act*

Contact: Ben Tom, Chemical Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-0721; Fax: (613) 952-1994; Internet: ben_tom@isdtcp3.hwc.ca

HCan/96-22-L

Cribs and Cradles Regulations - Safety

An amendment to the *Cribs and Cradles Regulations* is being proposed to address potential hazards associated with toeholds that enable a child to climb out of a crib. This puts the child at risk for head trauma, the leading kind of injury associated with cribs. Other changes will eliminate confusion concerning the requirements for portable cribs and will harmonize the Regulations more closely with requirements in the U.S.

The anticipated cost to industry is negligible. The benefits should include a decrease in child head injuries resulting from crib design, with related savings in health care costs, and greater harmonization of the regulations with U.S. requirements. In addition, clearer regulations will benefit industry, which has told Health Canada that clarification is needed.

Health Canada has consulted interested parties through publication of the proposed amendment in Part I of the *Canada Gazette* in February 1994, and has made changes to the proposed amendment following comments received from interested parties.

Legal authority: *Hazardous Products Act*

Contact: Georges Desbarats, Mechanical and Electrical Hazards Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Vanier Building, 8th Floor, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8, Tel.: (613) 954-3948; Fax: (613) 952-1994.

HCan/97-13-M

Medical Devices Program (Cost Recovery Phase II)

The Medical Devices Program completed the first phase of its cost recovery initiative by implementing the *Medical Devices Fees Regulations* on January 1, 1996. In the first phase, user fees were applied to medical devices subject to Part V of the current *Medical Devices Regulations*.

During the second phase of the Medical Devices Program cost recovery initiative, in consultation with stakeholders, the department is considering introducing user fees for a number of services that it will provide as a result of proposed changes to the *Medical Devices Regulations*. The services that may be linked to cost recovery include those related to establishment and device registration requirements, quality system requirements, and requirements related to the sale of custom devices and to the sale of devices on compassionate grounds.

It is proposed to implement the second phase of the cost recovery initiative at the same time as the implementation of the revised *Medical Devices Regulations*.

With the renewal of the *Medical Devices Regulations*, which will be based on the Risk-based Classification System, a revised fee schedule will be required.

The Medical Devices Program is working in partnership with the industry consultative committee on cost recovery in developing the fee structure and in assessing the economic impact on industry, the health care sector and the Medical Devices Program. The development of service standards is an integral part of this consultative mechanism.

Consultation is being undertaken with an industry consultative committee representing various medical device manufacturers, importers and users.

Legal authority: *Financial Administration Act*, section 19

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/97-14-I

Hazardous Products (Toys) Regulations

The planned proposed amendment will harmonize the *Hazardous Products (Toys) Regulations* with the voluntary American Standard for Testing Materials (ASTM) standard for toys.

These regulations were enacted in 1970. When they were issued, statistical data on the frequency, severity and cause of toy-related accidents were not available. Regulations were enacted to affect the toys the department was aware were likely to cause injuries.

Toys, like other products, have changed dramatically in the past 26 years, but the regulations relating to toys have not been revised substantially. In the U.S., however the ASTM Standard for Toys has been regularly revised and has kept abreast of current technologies.

The cost impact of the proposed amendment is expected to be minimal, as almost all the toys sold in Canada are also sold in the U.S., where the industry voluntarily complies with the ASTM Standard for Toys. The proposed amendment will increase the safety of young children in Canada.

No other alternatives were considered, as a voluntary compliance system provides no means of enforcement.

The Canadian Toy Association will be invited to participate in the harmonization project, and an information package will be sent to other interested parties advising them of the proposed amendment. Subsequent prepublication of the proposed revised regulations in the *Canada Gazette* will also serve to inform interested parties of the proposed amendment.

Legal authority: *Hazardous Products Act*

Contact: Helene Paradis, Scientific Project Officer, Mechanical and Electrical Hazards Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Vanier Building, 8th Floor, 222 Nepean Street, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-3967; Fax: (613) 952-1994.

HCan/97-15-I

Hazardous Products Regulations - Children's Products

The planned proposed regulations will include requirements for all children's products. They will ensure that there is no double standard for children's products that are regulated and those that are not. The

proposed regulations will first include heavy metals and flammability requirements, and use, abuse and small parts test methods.

Since the *Hazardous Products Act* was enacted in 1969, the deaths and injuries associated with children's products have been addressed using a product-oriented approach. While the approach has been effective in the short term in dealing with the safety of specific products, in the long run, it has proven vulnerable to product changes, leaving some children's products unregulated. In some cases, different regulations will address the same hazard using different requirements.

The first requirement and test method to be included in the proposed regulations will harmonize Canadian and U.S. requirements.

The cost impact of the proposed regulations is expected to be minimal, as almost all the children's products sold in Canada are also sold in the U.S. The proposed amendment will increase the safety of young children in Canada.

No other alternatives were considered, as a voluntary compliance system provides no means of enforcement.

An information package will be sent to interested parties advising them of the proposed regulations. Subsequent republication of the proposed revised regulations in the *Canada Gazette* will also serve to inform interested parties of the proposed regulations.

Legal authority: *Hazardous Products Act*

Contact: Helene Paradis, Scientific Project Officer, Mechanical and Electrical Hazards Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Vanier Building, 8th Floor, 222 Nepean Street, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-3967; Fax: (613) 952-1994.

HCan/97-16-I

Diagnostic Ultrasound Devices - Standards

A performance and labelling standard is proposed for ultrasound devices under the *Radiation Emitting Devices Regulations*. The standard would include a real-time output display and an upper limit to output levels. The proposed standard is necessary to reduce the risk of tissue damage due to ultrasound exposure during fetal blood flow examinations and infant (neonate) lung examinations.

The standard will harmonize with the requirements of the U.S. Food and Drug Administration and the

standards developed by the International Electrotechnical Commission. As a result, the cost to industry for compliance will be negligible and trade will be facilitated.

Consultation will be carried out through Canadian, American and international standards organizations, regulatory agencies, manufacturers' associations and medical associations. Examples of such bodies are the Society of Obstetricians and Gynaecologists of Canada, the American Society for Ultrasound in Medicine, the National Electrical Manufacturers' Association, the International Electrotechnical Commission, and the U. S. Food and Drug Administration. Preliminary consultations in preparing the proposal will be done directly by departmental staff and comments will be obtained by establishing the proposal in *Canada Gazette* Part I.

Legal authority: *Radiation Emitting Devices Act*

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/97-17-I

Medical Devices Regulations - Diagnostic Products Related to Blood Screening

Products listed on the table to Part V of the *Medical Devices Regulations* must undergo a pre-market review of their safety and effectiveness before they may be sold in Canada. The table to Part V currently lists one product related to blood screening - HIV test kits. This amendment will result in several more products being added to the table to Part V. In particular, consideration is being given to adding the following products: kits for detecting infection by hepatitis B and C virus, human T-lymphotropic virus and syphilis; tissue-typing reagents (human lymphocyte antigen); reagent red cells; and blood-grouping reagents.

The Health Protection Branch believes that enhanced regulatory control of these products will serve to further ensure the safety of the Canadian blood supply.

In addition to subjecting these products to pre-market review requirements, the department will also be reviewing the need to subject them to lot release and site inspection requirements.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/97-18-L

Tobacco Control Legislation and Regulations

In December 1995, the government announced its intention to enact new legislation as soon as possible to fill the void resulting from the Supreme Court ruling that struck down several key sections of the current *Tobacco Products Control Act* as unconstitutional, and to strengthen the tobacco control strategy. Along with the adoption of this legislation, accompanying regulations will be required. The key elements of the proposed legislative framework, as indicated in the document *Tobacco Control: A Blueprint to Protect the Health of Canadians*, relate to advertising, promotion, sponsorship, access, point of sale, packaging and labelling, product regulation and reporting.

Health Canada invited interested groups and the public to comment on the proposed legislative framework. Provincial and territorial governments, the health community, tobacco manufacturers, the retail industry, the advertising and packaging industries, sport and cultural groups and concerned Canadians submitted their views on the proposed control measures.

Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: New tobacco legislation

Contact: Director, Bureau of Tobacco Control, Health Canada, Tower "A", 11 Holland Avenue, Suite 513, Postal Locator 3005B, Ottawa, Ontario, K1A 0K9. Tel.: (613) 941-1560; Fax: (613) 941-1551.

HCan/97-19-L

Hazardous Products (Ice Hockey Helmets) Regulations (Technical)

The current regulations under the *Hazardous Products Act* refer to the requirements of a hockey helmet standard published by the Canadian Standards Association in June 1984. Subsequently, technical changes were made to the standard, and it was published in 1990 as CAN/CSA-Z262.1-M90, *Ice Hockey Helmets*, a National Standard of Canada. This amendment will bring the Regulations up to date with

the 1990 standard, which will include adding a requirement that the ear opening be reduced from 50 mm to 38 mm. The industry and other interested parties participated in the development of the 1990 standard.

The standard was originally prepared at the request of the Canadian Amateur Hockey Association, and is one of two standards dealing with protective equipment for ice hockey players, the other being for face protection. There are no alternatives to the amended standard, which represents the best thinking for ice hockey head protection.

Interested parties will receive a copy of the proposed amendment when it is published in Part I of the *Canada Gazette*.

The anticipated cost to industry is negligible. The benefits should include state-of-the-art testing methodology and a decrease in head injuries associated with ice hockey.

Legal authority: *Hazardous Products Act*

Contact: Georges Desbarats, Mechanical and Electrical Hazards Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, Vanier Building, 8th Floor, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8, Tel.: (613) 954-3948; Fax: (613) 952-1994.

HCan/97-20-L

Tobacco Products Control Regulations

On September 21, 1995, the Supreme Court of Canada ruled that the labelling section of the *Tobacco Products Control Act*, as well as the sections dealing with advertising, sponsorship and trade-marks on non-tobacco products, infringed the *Canadian Charter of Rights and Freedoms*. The health messages and toxic constituent information are considered to be key elements of the strategy to reduce tobacco consumption among Canadians. Consequently, once the Act is amended to reinstate the requirements for health messages and toxic constituent information, including provisions for optional attribution of the health messages, the Regulations need to be amended to specify the content and location of the attribution on packages of tobacco products. Minor modifications to the Regulations are also proposed to correct inconsistencies and to repeal outdated provisions.

These amendments are consistent with the ruling of the Supreme Court of Canada and are necessary to

give effect to the bill amending the Act when it is passed.

The optional attribution of health messages will reduce the compliance costs to manufacturers and importers. They can choose not to attribute the health messages at all or to delay adding the attribution until they make other labelling changes.

Health Canada consulted manufacturers and importers of tobacco products, and retail trade associations through the publication of the Health Protection Branch Information Letter No. 817, dated December 12, 1995. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Tobacco Products Control Act*

Contact: Director, Bureau of Tobacco Control, Health Canada, Tower "A", 11 Holland Avenue, Suite 513, Postal Locator 3005B, Ottawa, Ontario, K1A 0K9.
Tel.: (613) 941-1560; Fax: (613) 941-1551.

HWC/91-405-I Bottled Water

From a regulatory and monitoring viewpoint, bottled water has, in the past, been treated no differently than any other food commodity. When the current standards for prepackaged water and ice were developed in 1980 under Division 12 of the *Food and Drug Regulations*, bottled water was not considered to be a high-consumption item. However, concerns relating to the environment and the quality of municipal water supplies have risen in recent years. Consequently, more people may be turning to bottled water as a total replacement for tap water. In light of this higher consumption, the existing standards may no longer be appropriate.

The Health Protection Branch is presently re-examining the existing standards for prepackaged water and ice and plans to make appropriate revisions as required. While the review involves all aspects of bottled water quality and safety, emphasis has been placed on defining in more precise terms the different types of prepackaged water currently on the market, revising the criteria for assessing the microbiological quality of the products and specifying limits for various chemical contaminants, both natural and man-made, as deemed necessary. Where appropriate, such limits are being harmonized with current guidelines for drinking water. Health Canada has prepared a regulatory proposal and completed consultations with affected industries.

Since the industry is self-regulating to a significant degree, Health Canada expects that this initiative will mainly affect manufacturers who do not voluntarily meet quality standards.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/92-69-I Herbs and Botanical Preparations

The Health Protection Branch is concerned that some herbs and botanical preparations with potentially harmful properties could be marketed to the public. Thus, improved control is considered necessary to ensure that consumers are appropriately protected. The proposed amendment will expand the current list of potentially harmful herbs and botanical preparations not considered appropriate for use in foods.

The cost to industry should be low, as the amendments relate only to the sector involved in the sale of herbs and botanicals as foods or in food products.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/93-54-I Composition of and Standards for Cocoa Products

Industry and government feel that the current Canadian regulations regarding cocoa products should be revised to be consistent with current Canadian and international practices. Amendments to these standards will reflect Canada's commitment to adopt, to the degree possible, international standards developed by the Joint FAO/WHO Food Standards Programme (Codex Alimentarius Commission).

This amendment should improve Canadian competitiveness but will not change health and safety requirements.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/93-57-I

Good Manufacturing Practices Regulations for Foods

The proposed *Good Manufacturing Practices Regulations* (GMP) outline the minimum health and safety standards for food marketed in Canada and apply equally to domestic and imported food products. The Regulations promote the use of food safety principles that stress control of the manufacturing and distribution process rather than reliance on finished product specification and testing.

The proposal will reduce regulatory burden as it clearly states the requirements for compliance, thus promoting self-regulation. The proposed regulations will also provide a common regulatory base for all food safety initiatives in the area of good manufacturing practice, which can be expanded further in other federal or provincial regulations. An additional benefit will be a safer food supply. In general, the proposed GMP requirements are such that firms operating in today's market environment should already meet them.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HC/94-49-I

Regulatory Review - Initiatives

Health Canada has undergone a review of the regulations under the *Food and Drugs Act* to ensure that they effectively contribute to public health and safety, and to examine ways to enhance the competitiveness of Canadian industry.

In addition to the specific initiatives included elsewhere in the 1997 *Federal Regulatory Plan*, Health Canada may propose amendments to the *Food and Drug Regulations* to reflect the outcome of the review in the following areas: administration, inspection and enforcement; chemical contaminants; food labelling, packaging, advertising and claims; compositional

standards, food additives and nutrient addition; and microbiological standards.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/95-19-I

Interim Marketing Authorization

The current *Food and Drug Regulations* specify a number of stringent controls on the sale of foods in Canada. They specify which ingredients may be used in foods for which standards are prescribed; which food additives may be used in various foods; maximum limits for residues of agricultural chemicals and veterinary drugs; and which vitamin, mineral nutrient or amino acids may be added to certain foods.

As a general rule, all foods sold in Canada must comply with the *Food and Drugs Act* and its Regulations. Nevertheless, the Regulations specify conditions under which a letter of temporary marketing authorization (TMA) may be issued. Such a letter allows a manufacturer or distributor to sell a food that does not comply with the Regulations for a limited time "in order to generate information in support of an amendment to the Regulations."

This proposal for interim marketing authorization (IMA) will expand the TMA concept to allow the sale, under specified conditions, of products that do not comply with the current regulations but which have been thoroughly evaluated and for which no health, safety or nutritional risks to the public have been identified. The IMA would thus bridge the time between completion of the scientific evaluation and promulgation of a regulatory amendment to permit the ongoing legal sale of a food product.

The adoption of the IMA concept will benefit both consumers and industry by permitting the earlier marketing of foods using improved ingredients, and improved production and processing techniques.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/95-21-I

Regulation of Novel Foods and Novel Food Processes

Novel foods and foods produced by novel food processes are being introduced into the Canadian marketplace. These products and processes often do not fall within the existing regulatory framework of the *Food and Drug Regulations*, yet they may affect the safety of the food supply. New regulations are considered necessary to permit the Health Protection Branch to evaluate the safety of novel foods and foods produced by novel processes before they are introduced into the marketplace.

The proposed regulations will define novel foods and will require that the Health Protection Branch be notified before novel foods are sold or advertised for sale.

This amendment will ensure that novel foods are safe while giving industry clear direction concerning the regulation of these products.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/96-30-I

Restrictions on the Importation of Unapproved Veterinary Drugs for Use in Food Producing Animals

At present, the *Food and Drugs Act* and its Regulations permit the importation of veterinary pharmaceuticals that do not have drug identification numbers (DINs), provided the drugs are not offered for sale or consideration for sale in Canada. The exception to this are veterinary drugs listed in Schedule F to Part I, which can be imported only by licensed health professionals (pharmacists, practitioners), wholesalers or drug manufacturers.

This proposed amendment should restrict the importation of veterinary pharmaceuticals for food-producing animals to those drugs that have a valid drug identification number, and allow the development of tracking systems for the entry and monitoring of sales of bulk drug substances in Canada.

These amendments will help reduce the risk of potentially harmful residues of veterinary pharmaceuticals in food, thereby improving the safety of the food supply in Canada.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/96-31-I

Prohibition of Clenbuterol Use in Food Producing Animals

International concern has arisen over the use of clenbuterol, an extremely potent beta-agonist, to promote growth in veal calves. Outbreaks of food-borne illness caused by eating beef or veal liver containing clenbuterol have been reported in Europe.

At present, in Canada, clenbuterol is only permitted for use in horses. However, to better protect Canadians, this amendment will specifically prohibit the sale of clenbuterol-containing drugs for administration to food-producing animals, the sale of treated animals intended for consumption as foods, and the sale of edible products derived from treated animals or those containing clenbuterol.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/97-26-I

Veterinary Drug Program (Cost Recovery)

Under the *Financial Administration Act*, the Health Protection Branch established fees to be paid for a veterinary drug submission evaluation service. The *Veterinary Drug Evaluation Fees Regulations* established the applicable fees for this service, effective April 1, 1996.

Cost reductions and cost-avoidance measures were to be implemented within 12 months as part of this process. The fee schedule under the *Veterinary Drug Evaluation Fees Regulations* is to be revised during 1997 to take into account the anticipated efficiencies in the Veterinary Drug Program.

Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process.

Legal authority: *Financial Administration Act*, section 19

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/97-27-1

Prohibition of Dimetridazole and Related Nitroimidazoles from Use in Food-producing Animals

International concern has arisen from the use of dimetridazole (DMZ) and related nitroimidazoles (NIM) such as ronidazole, ipronidazole and metronidazole in food-producing animals. The Joint FAO/WHO Expert Committee on Food Additives (JECFA) has reviewed DMZ and related NIM. This class of drugs was placed on the inactive list pending receipt and evaluation of additional human safety data.

At present, in Canada, DMZ is cleared for use in turkeys and swine with a five-day withdrawal period, and ronidazole is cleared for use in swine with a three-day withdrawal period, at dose levels specified on the label. To better protect Canadians, this amendment will prohibit the sale of DMZ, ronidazole and related NIM-containing products for administration to food-producing animals; the sale of treated animals intended for consumption as food; and the sale of edible products derived from treated animals, or those containing any residues of DMZ, ronidazole or related NIM.

Legal authority: *Food and Drugs Act*, section 40

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-32-I

Food Allergens - Labelling Regulations to Minimize Adverse Reactions

Allergic-type reactions to food can be a serious health issue for people who are susceptible to such reactions. The Health Protection Branch, in conjunction with

Agriculture and Agri-Food Canada and various private-sector agencies such as the Allergy/Asthma Information Association and the Canadian Food Services Association, has been looking for ways to minimize the occurrence of such adverse reactions. This effort has focused on developing sound educational materials, better means of communicating information on potential allergens and improved labelling.

A review of the existing labelling regulations pertaining to the most common food allergens has led to improved labelling requirements and a proposal pertaining to the labelling of sulphites. The improved labelling of other food ingredients that may cause adverse reactions is being investigated.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-33-I

Food and Drug Regulations - Routine Enabling Amendments - General - Agricultural Chemicals - Food Additives

This proposal covers a range of routine submissions requesting amendments to the *Food and Drug Regulations*. These relate to maintaining or improving the nutritional quality of foods; assuring the microbiological and chemical safety of foods, including establishing safe maximum residue limits for agricultural chemicals in foods; and establishing maximum levels for food additives.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-34-M

Emergency Regulations - Foods

In the event of a confirmed public health hazard in the food supply, emergency regulations may be required to protect the public.

The impact cannot be foreseen, but the public health benefits require the imposition of any costs associated with such emergency regulations.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-35-I

Regulation of Veterinary Drug Residues in Foods

This amendment adds drugs to Table III, section B.15.003 of the *Food and Drug Regulations* and establishes maximum residue limits (MRLs) for these drugs.

This initiative establishes standards for drug residues in food that are in keeping with technological advances in the methods of detection. In addition, this proposal allows enforcement action to be taken against persons who violate these limits.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/97-34-L

Environmental Assessment Regulations for Biotechnology Products regulated under the Food and Drugs Act

It is proposed that regulations entitled *Environmental Assessment Regulations* be added to the *Food and Drugs Act*. These regulations will provide for the environmental assessment of new substances created through biotechnology that are products, or that are used as ingredients in products, regulated under the Act. These products include novel foods, food additives, drugs and cosmetics.

A pre-market review of biotechnology products, using combined review strategies for risk assessment and environmental impact, will be effective. Having one department consider the human health and environmental effects in a single review could reduce the time needed to make new and useful products available to Canadians. It will also provide a flexible regulatory framework for this rapidly evolving technology while protecting the health and safety of Canadians.

Health Canada solicited comments from interested parties on the proposed regulations through an Information Letter that was published in July 1996.

This proposed regulation does not add any new information requirements pertaining to environmental assessments for companies importing or manufacturing products regulated under the *Food and Drugs Act*. Rather, it transfers existing information requirements, and responsibility for evaluating this information, from Environment Canada to Health Canada.

Legal authority: *Food and Drugs Act*

Contact: Joel Weiner, Office of Scientific and Regulatory Affairs, Health Protection Branch, Health Canada, Room 245, Health Protection Branch Building, Postal Locator 0702E4, Tunney's Pasture, Ottawa, Ontario, Tel.: (613) 952-3665; Fax: (613) 954-9981.

Medical Services Branch

HCan/97-35-I

Regulatory Program (Cost Recovery)

The *Potable Water Regulations for Common Carriers* will be replaced by the *Regulations Concerning Food, Potable Water and Sanitary Services on Conveyances and in their Ancillary Services*.

These regulations deal with the public safety of potable water, food and sanitation on board passenger ferries, trains, aircraft, cruise vessels and their ancillary facilities, and the public use of federal lands.

This revision will provide Medical Services Branch, Occupational and Environmental Health Services Directorate with the tools needed to regulate the cost-recovered services that will be initiated in 1997. Where possible, all directorate regulatory program services will be offered under service contracts, which will include service standards, performance indicators and fee schedules. These regulations will provide a fallback compliance mechanism when alternative methods fail.

Common carrier customers have been consulted on this process. They agree that this revision directly supports the Directorate's role in maintaining a "level playing field" for the industry. The industry has also acknowledged that the current level of service could not be sustained without cost recovery. Further communication will occur before the revised

regulations are published in the *Canada Gazette*, and in annual meetings with major associations.

To promote more business-like, consistent and equitable management, the government is moving toward charging external users appropriate rates for goods and services it provides. In response to this, the Medical Services Branch proposes to recover costs from all major sectors of the common carrier industry and from entrepreneurs operating facilities on federal land that are open to the public. Fees for inspection and other services will be regulated under the *Financial Administration Act*, paragraph 19(a).

It is proposed that to submit a draft fee schedule with the accompanying Regulatory Impact Analysis Statement and communications plan, to the Regulations Section - Justice in late 1996, and to begin recovering costs in April 1997.

Legal authority: *Financial Administration Act*, section 19; *Health Canada Act*, section 4.2(d)

Contact: William (Sandy) Cocksedge, Quarantine and Regulatory Health Services, Occupational and Environmental Health Directorate, Medical Services Branch, Health Canada, Finance Building, Postal Locator O2 O2 A2, Tunney's Pasture, Ottawa, Ontario, K1A 0L3. Tel.: (613) 957-3427; Fax: (613) 954-5822.

Pest Management Regulatory Agency

Agr/94-36-L

Pest Control Products Regulations - Registration Criteria (Data Requirements) Clarification

The purpose of this regulatory amendment is to clarify in the Regulations the types of information that may be required to evaluate pest control products (pesticides). Data have been required for many years to determine the safety, merit and value of these products. Clarification in this area will ensure that the data that may be required are sufficiently comprehensive to accommodate all types of products regulated under the *Pest Control Products Act* and the associated regulations. The department will continue to publish, as guidelines, detailed information about studies and protocols that would meet the prescribed data requirements. This will give clear direction to all interested parties, while still giving the department sufficient flexibility to assess all types of products.

No additional costs will result from this initiative. This initiative is based on the recommendations of the 1990 Pesticide Registration Review.

Legal authority: *Pest Control Products Act*, section 6(1)(b)

Contact: Dr. R. G. Taylor, Director, Regulatory Affairs and Innovations Division, Pest Management Regulatory Agency, Health Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-5330; Fax: (613) 952-1622.

HCan/96-38-M

Pest Control Products Regulations (Cost Recovery)

This initiative reflects the business directions for the regulation of pesticides outlined in the government proposal for the Pest Management Regulatory System (1994) to implement the recommendations of the Pesticide Registration Review. The "beneficiary pays" principle is directly applicable to pest management regulation, since producers and users of pesticides derive significant economic benefit from the regulatory system that permits the sale of pesticides in Canada. The objective is to introduce fair and equitable fees for service, while not hindering access to necessary products or putting users at a competitive disadvantage.

This action is consistent with the direction taken by Canada's major trading partners, who are introducing or have already introduced cost-sharing mechanisms for pesticide regulation. The regime will be implemented in April 1997. Consultation with stakeholders took place between January and October 1996 and included the Business Impact Test and other user-impact assessments.

Legal authority: *Pest Control Products Act*, section 6(1)(d)

Contact: Dr. Claire Franklin, Executive Director, Pest Management Regulatory Agency, Health Canada, Room 2702, Main Statistics Canada Building, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-8777; Fax: (613) 954-4655.

Future initiatives

Health Protection Branch

Blood Renewal Projects and Blood Inquiry

Regulatory proposals will be developed to improve the safety of the blood supply in Canada. These proposals will result from decisions arising from the Blood Renewal Projects. Government and outside experts have been asked to study and to make recommendations on specific areas of concern, as well as items identified by the Krever Commission.

Classification: Intermediate-cost initiative

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Hazardous Products (Charcoal) Regulations (Revision)

The *Hazardous Products (Charcoal) Regulations* were promulgated in 1974 to protect consumers from death caused by carbon monoxide poisoning. The current labelling is intended to advise consumers that burning charcoal produces toxic fumes and that proper ventilation should be used.

The proposed changes will harmonize Canadian labelling requirements with proposed changes being drafted in the United States. The U.S. proposal includes stronger warnings to indicate that carbon monoxide is colourless and odourless and that charcoal should never be used in confined areas, and the possible use of a pictograph to reinforce the written warnings.

Charcoal represents a potential hazard to the health and safety of the public since it produces significant amounts of carbon monoxide when it burns. These regulations were enacted because of deaths involving individuals using barbecues in enclosed areas or as space heaters, rather than for cooking. Over the past few years in the U.S., many immigrants of non-English-speaking origin have been killed or injured by carbon monoxide poisoning after using barbecues in confined areas.

The impact of these proposed changes is expected to be intermediate, as most Canadian charcoal manufacturers will have to change their printing equipment in order to export to the United States. These proposed changes will ensure that products will

be labelled for both Canadian and U.S. markets, and will most likely result in one-time costs during the phase-in period.

Alternatives considered were maintaining the status quo.

All Canadian manufacturers of charcoal briquettes were informed of the proposed changes in the U.S. and were asked for feedback regarding similar labelling changes in Canada. Further consultation will occur after publication of any revisions to the Regulations in *Canada Gazette* Part I.

Classification: Intermediate-cost initiative

Contact: Paul Chowhan, Scientific Project Officer, Chemical/Biological Hazards and WHMIS Division, Product Safety Bureau, Environmental Health Directorate, Health Protection Branch, Health Canada, 222 Nepean Street, Postal Locator 4608A, Ottawa, Ontario, K2P 0B8. Tel.: (613) 954-7747; Fax: (613) 952-1994; Internet: Paul_Chowhan@isdtcp3.hwc.ca

Medical Devices Regulations - Single Use Insulin Syringes

An amendment to Schedule VI to the *Medical Devices Regulations* will require that fixed-needle syringes, which are now readily available and used by most home users, have a zero dead-space volume.

Standards for the dead-space volume for syringes with interchangeable needles, which are used mainly in the hospital environment and which have a large dead-space volume, will not be significantly altered, but the dead-space volume will be limited. For both types of syringes, the standard will provide methods for testing the mechanical properties of smaller needles, which have become popular in recent years. It will also provide a new, internationally accepted size designation in metric figures; a more clearly worded dosage accuracy requirement; and a more comprehensive leakage test.

This amendment will update the Schedule to reflect current usage practices and state-of-the-art manufacturing technology for syringes. The changes will reduce insulin waste by decreasing dead-space volume, which will decrease costs and result in health benefits to users of fixed-needle syringes. The amendments will also reduce the possibility of errors in dosage.

Only minimal costs will be incurred by manufacturers of syringes, since most fixed-needle syringes already meet the zero dead-space volume requirement.

The existing Schedule VI needs to be revised to reflect current technology and practices. The only other alternative is to delete the Schedule, but this is not viewed as acceptable.

Consultation has already taken place. Publication of the amendment in Part I of the *Canada Gazette* will provide a further opportunity for public comment. This initiative has been put on hold pending completion of the overall renewal of the *Medical Devices Regulations* currently underway. This initiative appeared in the 1996 *Federal Regulatory Plan* as HWC/89-521-L.

Classification: Low-cost initiative

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Medical Devices Regulations - Condoms - Schedule I

This proposal will amend Schedule I to the *Medical Devices Regulations* to harmonize requirements for physical testing, sample sizes, acceptable quality levels and pass-fail criteria with those of the international consensus standard International Organization for Standardization (ISO) 4074.

It is federal policy to harmonize regulations with international standards where possible. Many jurisdictions have now harmonized their requirements with ISO 4074, including the European Union and the United States.

Harmonization will reduce trade barriers and cost.

The proposed amendment will be formally issued to manufacturers and the public through an Information Letter.

This initiative has been put on hold pending completion of the overall renewal of the *Medical Devices Regulations* currently underway. It appeared in the 1996 *Federal Regulatory Plan* as HC/94-61-L.

Classification: Low-cost initiative

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Drinking Water Materials Safety Act (New Legislation)

The department is currently examining the need for legislation to regulate drinking water treatment devices, treatment additives and system components by using consensus health standards and third-party certification. In two of the three sectors, only 30 per cent of all products are certified as meeting health standards. Non-certified products present potential health risks to the public, because they leach or release contaminants, or because they are ineffective.

Certification costs to industry would amount to approximately \$24 million per year. (Total annual sales are about \$1.3 billion annually for all three sectors combined.)

Consultation with main stakeholders began in the fall of 1995.

Classification: Major initiative

Contact: Chief, Office for Quality Systems and Regulation Management, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Nutrition Labelling and Nutrient Content Claims

Nutrition labelling and nutrient content claims are important public health tools. They help Canadians select a healthy diet and influence manufacturers to make more nutritious foods. Claims for the nutritional characteristics of foods are controlled under the *Food and Drugs Act* and its Regulations. In 1994, the United States adopted a new system of nutrition labelling and definitions for a number of nutrient content claims. After consulting with stakeholders, the department published proposals to harmonize most definitions for nutrient content claims with the U.S. definitions. Due to the wide divergence of opinions expressed about the proposal, a number of issues remain unresolved. In 1997, the department intends to propose amendments to the *Food and Drug Regulations* to introduce new or amended criteria for nutrient content claims. It also intends to publish a discussion paper on nutrition labelling.

Classification: Intermediate-cost initiative

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada,

Fortification of Flour and Pasta with Folic Acid and Harmonization of the Flour Standard with the U.S. Standard

In 1996, the United States issued amendments to its enriched flour and enriched pasta standards to require the addition of the B vitamin folic acid at a level higher than that permitted in Canada. In view of the potential benefits of the increased level of folic acid to the health of Canadians, and of the barriers to trade that would ensue from differing enrichment standards, proposals to require the addition of folic acid to flour and enriched pasta in Canada were issued in June 1996. Complete harmonization of the enrichment levels for all nutrients in flour was also proposed. The department intends to propose amendments to the *Food and Drug Regulations* in 1997.

Classification: Intermediate-cost initiative

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

Pest Management Regulatory Agency

Pest Control Products Act - Regulations

A bill to amend the *Pest Control Products Act* (PCPA) may be introduced into Parliament in 1997. The proposed amendments were announced in February 1995 and are outlined in the *Government Proposal for the Pest Management Regulatory System*, published in October 1994. Based on the recommendations of the 1990 Pesticide Registration Review (PRR), these amendments were developed through extensive consultation with interest groups. They are designed to provide a modern legislative foundation for the federal pesticide regulatory system. New regulations in the areas listed below will complete these legislative foundations. Some of the proposals depend on proposed new authorities for the Governor in Council to make regulations. The first five regulations are considered to be the highest priority, and will be prepared to be promulgated as quickly as possible following enactment of the bill. Development of all regulations will involve consultation, primarily with provinces and with those interest groups involved in the PRR. Other stakeholders will be made aware of the regulations through notices in the *Canada Gazette*.

- **Public participation:** These regulations would describe the procedures for consultation and for reconsidering regulatory decisions. They will ensure that industry understands the requirements of the registration process and will facilitate meaningful participation by interested persons.
- **Public access to information:** These regulations would allow public access to information supporting the registration of pest control products, including test data, most of which is not currently accessible under the *Access to Information Act*. The regulations would also define confidential business information, which would not be accessible except under very limited circumstances. Providing access to this information is key to meeting the commitment to openness and transparency outlined in the government proposal. This access is intended to foster public confidence in the regulatory system.
- **Registration types:** These regulations would prescribe different registration types and the conditions of registration for each. To ensure the acceptability of health and environmental risks in cases where registration is not required, such as for products used for research purposes, current policies regarding requirements for permits would also be prescribed in regulation. The regulations would reduce costs to the pest control product industry by ensuring that registration requirements are tailored to particular product and use categories, such as products imported solely for manufacture and export.
- **Protection of proprietary rights to data:** These regulations would provide protection to registrants for the data generated in support of registration applications. The regulations would respond to Canada's obligations under the *North American Free Trade Agreement* and the *World Trade Agreement* and to the need to recognize the interests of both innovators and generic manufacturers. The regulations would have a positive impact on the competitiveness of the pest control product industry and also on the agricultural and forestry sectors, which need access to modern pest management tools.
- **Reporting of adverse effects:** These regulations would delineate the information related to the health and environmental risks and the value of pest control products that registrants and applicants would be required to report. The regulations would also discuss timing, reporting arrangements and other requirements. By prescribing the requirements in regulations, Health Canada will

give members of the pest control product industry a clear understanding of their responsibilities.

- **Maintenance and provision of records:** These regulations would improve the availability of information, increasing public confidence in the regulatory system. They would also improve enforcement capabilities. Care will be exercised in preparing these regulations to avoid undue regulatory burden.
- **Export permits:** These regulations would delineate the circumstances under which the export of products subject to export restrictions might be allowed. The regulations would attempt to ensure that all health and safety considerations are respected, while not imposing undue restriction on industry. The proposed requirement for permits for the export of products of concern is consistent with UNEP and FAO procedures for prior informed consent of the receiving country.
- **Tank mixing:** These regulations would permit the preparation and use of mixtures of registered pest control products under prescribed conditions. Use of tank mixes can reduce health and environmental risks, as well as increase competitiveness, by decreasing the number and rates of applications, thereby reducing exposure to solvents, gas consumption and soil compaction.
- **Quality assurance standards for the conduct of studies:** These regulations would prescribe requirements to ensure the quality of studies carried out to provide information to government about pest control products. This would ensure that assessments of risks to human health, safety and the environment are not based on faulty data. Public safety would be improved and the cost to industry potentially reduced by eliminating the need to repeat studies that do not follow accepted practices.
- **Product safety information to be provided to workplaces:** These regulations would prescribe the information that industry would be required to provide to the workplace and would help minimize occupational risks posed by the use of pest control products. Requirements would be at least as rigorous as requirements under the Workplace Hazardous Materials Information System (WHMIS), from which pest control products are exempt.
- **Exemptions from certain provisions of PCPA:** These regulations would permit appropriate and streamlined processing of prescribed types of minor registration applications. For example, minor amendments, such as change of registrant's name, could be made by means of a notification procedure.

The only alternative to regulation in the above areas is the status quo. That would be contrary to the government commitment to introduce an effective legislative foundation for the pest management regulatory system, based on the recommendations of the Pesticide Registration Review.

Classification: Intermediate-cost initiative

Contact: Geraldine Graham, Project Manager, Legislation, Regulatory Affairs and Innovations Division, Pest Management Regulatory Agency, Health Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-5330; Fax: (613) 952-1622.

Human Resources Development Canada

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General information

Roles and responsibilities

Human Resources Development Canada (HRDC) was created in November 1993.

HRDC helps Canadians of all ages achieve their goals throughout life by delivering income support, labour market and social programs to families and children, youth, workers, seniors, employers, unions and communities. HRDC also provides programs to help target groups, such as persons with disabilities, Aboriginal peoples and visible minorities, to overcome barriers to full participation in Canadian society. The department is committed to building a workforce that is highly skilled, adaptable and competitive. In cooperating with provincial governments, it supports Canadians in developing the skills they need to take charge of their future in a rapidly changing world.

HRDC comprises the following components of the founding departments:

- education support activity and elements of the social development activity from the former Department of the Secretary of State;
- the literacy program from the former Department of Multiculturalism and Citizenship;
- income security and cost-shared programs and elements of the social development activity from the former Health and Welfare Canada;
- the employment and insurance programs from the former Employment and Immigration Canada;
- all programs and services of the former Department of Labour; and
- corporate services program elements of the founding departments.

The objectives of HRDC are to

- develop, promote and implement social policies and programs that facilitate the development, participation and well-being of members of Canadian society;

- promote and strengthen the income security of seniors, persons with disabilities, survivors and migrants;
- promote economic growth and flexibility by providing temporary income support to unemployed workers who qualify for benefits under the *Employment Insurance Act*, without placing an unnecessary burden on individuals, groups or regions;
- facilitate and sustain stable industrial relations and a safe, fair and equitable workplace;
- develop and support the use of Canada's human resources in order to promote economic growth and the effective and efficient functioning of the labour market; and
- improve access to the department's services for all clients through the implementation of the Service Delivery Network.

Legislative mandate

The statutes under the jurisdiction of the Minister responsible for Human Resources Development Canada are the following:

- *Appropriation Acts*, certain votes
- *Canada Assistance Plan*
- *Canada Labour Code*
- *Canada Pension Plan*
- *Canada Student Financial Assistance Act*
- *Canada Student Loans Act*
- *Canadian Centre for Occupational Health and Safety Act*
- *Corporations and Labour Unions Returns Act*, section 16
- *Department of Human Resources Development Act*
- *Employment Equity Act*
- *Employment Insurance Act*
- *Fair Wages and Hours of Labour Act*
- *Family Orders and Agreements Enforcement Assistance Act*, Part I
- *Federal-Provincial Fiscal Arrangements Act*
- *Government Annuities Act*
- *Government Annuities Improvement Act*
- *Government Employees Compensation Act*
- *Hudson Bay Mining and Smelting Co. Act*
- *Labour Adjustment Benefits Act*
- *Merchant Seamen Compensation Act*
- *Non-smokers' Health Act*
- *Old Age Security Act*
- *Status of the Artist Act*, Part II
- *Unemployment Assistance Act*
- *Vocational Rehabilitation of Disabled Persons Act*
- *Wages Liability Act*

Initiatives for 1997

HRDC/97-1-L

Nuclear Facilities Regulations

A Supreme Court of Canada decision in 1993 confirmed that nuclear facilities are under federal jurisdiction by virtue of a declaratory provision in the *Atomic Energy Control Act*. Until then, provincial labour laws were applied to nuclear facilities.

Following that court decision, Ontario Hydro and its unions, supported by the provincial government, asked the federal government to apply the provincial occupational health and safety regime in Ontario Hydro nuclear facilities, and to have the province act as the enforcement agent for the federal government. The New Brunswick government asked the federal government to take similar measures so that all provincial labour laws could be applied to its Point Lepreau generating facility. Quebec and Saskatchewan are also interested in such an arrangement. To respond to these concerns, and to permit greater flexibility in federal-provincial arrangements in this area, federal labour legislation was amended to include a mechanism for excluding the application of federal labour laws and incorporating provincial labour laws into federal regulations. Once a memorandum of understanding is signed with participating provincial governments, regulations incorporating each province's labour laws will be enacted, thereby re-establishing a provincial labour law regime in nuclear facilities.

The provinces potentially involved are Ontario, Quebec, New Brunswick and Saskatchewan. The federal labour laws are the *Canada Labour Code*, parts I, II and III and the *Non-smokers' Health Act*.

Legal authority: *Canada Labour Code*, sections 121, 158-160, 265-267, and *Non-smokers' Health Act*, section 8

Contacts: For regulations under Part I (Industrial Relations) of the *Canada Labour Code*: Carrie Letourneau, Legislative Consultant, Federal Mediation and Conciliation Service, Labour Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-7852; Fax: (819) 953-3162.

For regulations under Part II (Occupational Safety and Health) of the *Canada Labour Code* and the *Non-smokers' Health Act*: Diane Rguem, Program Consultant, Occupational Safety and Health, Labour Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull,

Quebec, K1A 0J2. Tel.: (819) 953-0230;
Fax: (819) 953-1743.

For regulations under Part III (Labour Standards) of the *Canada Labour Code*: André Charette, Legislative Consultant, Labour Standards and Workplace Equity, Labour Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-7498; Fax: (819) 994-5264.

HRDC/97-2-I

Employment Equity Regulations

The new *Employment Equity Act* is expected to come into force in late 1996. Certain essential details regarding employer obligations are provided in regulations that will come into force concurrently with the new act. Regulations in three additional areas are under consideration, as set out below.

The new act will apply to the Canadian Forces and the Royal Canadian Mounted Police (RCMP) upon order of Governor in Council, after regulations pertaining to those portions of the public sector are passed. Subsection 41(5) of the Act provides that regulations may be made adapting the requirements of the Act and existing regulations to accommodate the special circumstances of the Canadian Forces, the RCMP and the Canadian Security Intelligence Service (CSIS), taking into account operational effectiveness. Such regulations are made on the recommendation of the Treasury Board after consultation with the Solicitor General and the Minister of National Defence, as provided in subsection 41(6) of the Act.

Subsection 15(3) of the new *Employment Equity Act* requires employers and employee representatives to collaborate in preparing, implementing and revising the employer's employment equity plan. Consultations will be held with labour, employers and other interested groups to determine whether regulations are required to clarify this obligation.

The existing employment equity reporting requirements will be re-examined in light of current labour market trends and changing organizational structures and policies. These requirements, contained in the *Employment Equity Regulations* promulgated under the 1986 *Employment Equity Act*, were continued largely unchanged in the Regulations under the new act. Consultations with employers, labour and other interested groups will be held to determine what changes may now be advisable.

Legal authority: *Employment Equity Act*, section 41 and subsection 18(1)

Contact: Susannah Rowley, Senior Policy Analyst, Workplace Equity Policy, Labour Branch, Human Resources Development Canada, 165 Hôtel de Ville, Place du Portage, Phase II, 7th Floor, Hull, Quebec, K1A 0J2. Tel.: (819) 953-7495; Fax: (819) 994-5264.

LAB/93-1-I

Status of the Artist Professional Category Regulations

The Minister of Labour, after consultation with the Minister of Canadian Heritage, has responsibility for recommending regulations relative to certain aspects of the *Status of the Artist Act*: the determination of professional categories contributing to productions; the availability of arbitral determinations; and the remuneration to be paid to persons not employed in the Public Service who perform functions under Part II of the Act.

The two latter regulations will deal with routine administrative matters and will have only minor cost implications. The regulations defining the professional categories that contribute to artistic productions should interest persons who function as independent contractors in the artistic community. The effect of these regulations will be to extend the benefits of the *Status of the Artist Act* to persons practising within those professional categories in the federal jurisdiction.

Legal authority: *Status of the Artist Act*, Part II

Contact: Sylvia Garcia-Soria, Industrial Relations Analyst, Federal Mediation and Conciliation Service, Human Resources Development Canada, Place du Portage, Phase II, 11th Floor, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-5430; Fax: (819) 953-3162.

HRDC/96-1-I

Canada Occupational Safety and Health Regulations, Part V, Boilers and Pressure Vessels

This regulatory initiative is intended to address occupational safety and health concerns associated with the design, construction, testing, inspection, installation and operation of boilers, pressure vessels and piping systems in the workplace.

As part of the department's client consultation process, a working group comprising management,

organized labour and the department's representatives reviewed the regulations covering the above-mentioned items. The working group phase has been completed. The proposed amendment, while clarifying and resolving concerns associated with the existing provisions, will also update the Regulations to reflect current technology and update referenced industry standards. This will result in regulations that are more harmonized with equivalent provincial and territorial legislation addressing the same concerns.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Stephen Mitrow, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0240; Fax: (819) 953-1743.

HRDC/96-2-I

Canada Occupational Safety and Health Regulations, Part XVI, First Aid

This regulatory initiative addresses occupational safety and health concerns related to providing first aid in federally regulated workplaces.

As part of the department's client consultation process, a working group comprising of management, organized labour and the department's representatives reviewed the regulations respecting first aid. Proposed amendments deal with qualifications of first aid attendants, the contents of first aid kits and the way organizations are approved to teach first aid to federally regulated employees, amongst other things.

Legal authority: *Canada Labour Code*, sections 125 and 126 and subsections 157(1) and 157(1.1)

Contact: Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-2405; Fax: (819) 953-1743.

HRDC/94-8-I

Canada Occupational Safety and Health Regulations - Diving Safety

This regulatory initiative is intended to regulate occupational diving operations in the federal jurisdiction, and is required to protect the safety and health of divers, due to the hazardous nature of diving operations.

As part of the department's client consultation process, a working group comprising of management, organized labour and the department's representatives was formed to review existing diving regulations in other jurisdictions, and to determine the best course of action for this initiative.

The working group phase of the initiative has been completed. The department has prepared a Regulatory Impact Analysis Statement.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Diane Rguem, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0230; Fax: (819) 953-1743.

HRDC/94-9-I

Coal Mining Occupational Safety and Health (Cape Breton Development Corporation) Regulations

As part of the department's client consultation process, a working group comprised of management, organized labour and the department's representatives completed a clause-by-clause review of the *Coal Mining Occupational Safety and Health (Cape Breton Development Corporation) Regulations* in mid-1994. Outstanding issues are being addressed and a Regulatory Impact Analysis Statement is being prepared.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Stephen Mitrow, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0240; Fax: (819) 953-1743.

HRDC/95-10-I

Aviation Occupational Safety and Health Regulations

Comprehensive amendments are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on aircraft in operation.

Transport Canada and HRDC have undertaken this initiative jointly.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1), and paragraph 157(3)(a)

Contact: Richard Lafrance, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-8763; Fax: (819) 953-1743.

HRDC/95-11-I

On-board Trains Occupational Safety and Health Regulations

Comprehensive amendments are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on board trains in operation.

Transport Canada and HRDC have undertaken this initiative jointly.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1), and paragraph 157(3)(a)

Contact: Richard Lafrance, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-8763; Fax: (819) 953-1743.

HRDC/97-6-I

Canada Student Loans Program (Changes)

It is proposed to introduce new regulations under paragraph 15(l) of the *Canada Student Financial Assistance Act* to implement elements of the Student Debt Management Strategy, which was announced on August 1, 1995. Other regulations to enhance assistance to students, to place greater emphasis on education results and to ensure harmony in program delivery are being considered. Further amendments may also be required to ensure consistency between the *Canada Student Loans Regulations* and the *Canada Student Financial Assistance Regulations*.

Legal authority: *Canada Student Financial Assistance Act*; *Canada Student Loans Act*

Contact: Jo Anne Denis, Senior Policy Analyst, Youth, Learning Programs Policy, Human Resources Investment Branch, Human Resources Development Canada, 15 Eddy Street, Hull, Quebec, K1A 0M7. Tel.: (819) 994-5018; Fax: (819) 953-8147.

HRDC/97-3-M

Employment Insurance Regulations - Returning the Employees' Portion of the Employer's Premium Reduction

In the Final Report on the Administrative Review of the Unemployment Insurance Premium Reduction Program, dated March 1993, the Premium Reduction Review Committee recommended amending the *Unemployment Insurance Act* to allow HRDC to prescribe the method for returning employees' portion of the premium reduction. Section 69 of the new *Employment Insurance Act*, which became effective June 30, 1996, provides the authority to make regulations to prescribe the manner in which employees benefit from the premium reduction in an amount equal to at least 5/12 of the reduction.

The regulations would address three main issues. First, to allow for any mutually agreed approach between the employer and employees on how the 5/12 portion will be returned. Second, where no mutual agreement exists, the method of returning the employees' portion of the reduction would be a cash payment. Finally, it would also consider introducing a sunset clause, to protect for a definite period, employers who are currently registered with the program.

Legal authority: *Employment Insurance Act*, section 69(3)(d)

Contact: Lise Veillette, Policy Advisor, Premium Reduction Program, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8618; Fax: (819) 953-9381.

HRDC/97-4-L

Employment Insurance Regulations - Supplemental Unemployment Benefit (SUB) Program

It is proposed to introduce new regulations to give employers the right to appeal the effective date of a plan, or to appeal the determination that a plan does not meet the definition of a SUB as prescribed by the Regulations. New provisions would also be added to allow the Unemployment Insurance Commission to reconsider the effective date of the plan if the employer, or the administrator of the plan, shows good cause for the delay in submitting the plan.

The current wording of the Regulations allows no flexibility as to the effective date of the plan; the plan

cannot take effect before it has been received by the Commission. At present, employers cannot appeal a determination that a proposed plan does not meet the conditions of a SUB plan.

Authority for these proposed regulations did not exist under the *Unemployment Insurance Act*. Such regulatory authority was introduced in the new *Employment Insurance Act*, which became effective June 30, 1996.

Legal authority: *Employment Insurance Act*, paragraph 54(t)

Contact: Line Schingh, Policy Advisor, Coverage and Premium Policy Division, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8632; Fax: (819) 953-9381.

EIC/92-24-L

Employment Insurance Regulations - Working Day

Section 18 of the *Employment Insurance Act* requires a claimant to be available for work on any "working day." This term is defined in section 32 of the *Employment Insurance Regulations* as being any day of the week except Saturday and Sunday.

The proposed amendment to the definition of "working day" will take into consideration the fact that Saturdays and Sundays have become working days for a significant part of the labour force, and will take into account legislated or religious holidays falling on days other than Saturdays and Sundays.

This amendment should be well received on balance. There should be no additional cost.

Legal authority: *Employment Insurance Act*, paragraph 54(b)

Contact: Doris Beaman, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8626; Fax: (819) 953-9381.

HRDC/97-5-L

Old Age Security Regulations - Sponsored Immigrants

Bill C-31, *An Act to Implement certain Provisions of the Budget Tabled in Parliament on March 6, 1996 and for Granting to Her Majesty certain Sums of Money*, received

Royal Assent on June 20, 1996. As part of the provisions contained in the Budget, there changes were made to the *Old Age Security Act*. The *Old Age Security Act* was amended to provide a new method of determining the entitlement to and the amounts of the Guaranteed Income Supplement (GIS) and Spouse's Allowance (SPA) payable under that act to persons who have not resided in Canada for at least 10 years after attaining 18 years of age. This measure is designed to improve fairness in the Old Age Security (OAS) program.

As a result of these proposed changes, sponsored immigrants arriving in Canada after March 6, 1996 from countries with which Canada has international social security agreements will no longer be eligible for GIS and SPA during their sponsorship period (a maximum of 10 years). They will continue to be eligible for a partial OAS pension. If sponsorship breaks down in exceptional circumstances such as death of the sponsor, sponsored immigrants will receive a prorated GIS or SPA in the same way as other persons from the same countries. These exceptional circumstances will be defined in the *Old Age Security Regulations*.

Legal authority: *Old Age Security Act*

Contact: Terry de March, Director, Legislation Development, Programs Directorate, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

Future initiatives

Canada Industrial Relations Regulations - Canada Industrial Relations Remuneration Regulations

These regulations deal with routine administrative matters pursuant to Part I of the *Canada Labour Code*. Amendments may be necessary consequential to anticipated modifications to Part I of the *Canada Labour Code* in 1996-97.

Classification: Low-cost initiative

Contact: Gordon Clark, A/Director, Legislation Research and Policy, Federal Mediation and Conciliation Service, Human Resources Development Canada, Place du Portage, Phase II, 11th Floor, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-2459; Fax: (819) 953-3162.

Canada Labour Standards Regulations

Part III of the *Canada Labour Code* provides minimum labour standards for federally regulated undertakings. The standards include hours of work, minimum wages, vacation and general holidays, bereavement and sick leave, work-related illness and injury, maternity-related reassignment, maternity and parental leave, termination and severance pay, unjust dismissal and recovery of wages. The significant regulatory requirements associated with Part III are contained in the *Canada Labour Standards Regulations*.

Part III is currently under review. Labour and employer representatives will be consulted. HRDC will consider developing amendments. However, it is too early to forecast what impact the Part III changes would have on the Regulations.

Classification: Intermediate-cost initiative

Contact: Fred Chilton, Manager, Canada Labour Code, Part III Review, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0193; Fax: (819) 994-5264.

Coal Mining Safety Commission Regulations

Some minor administrative amendments, such as revising the lengths of the terms of office of members, are required to improve the operation of the Commission.

Classification: Low-cost initiative

Contact: Stephen Mitrow, Program Consultant, Occupational Safety and Health, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0240; Fax: (819) 953-1743.

Canada Pension Plan Regulations - Amendments Consequential to the Amended Act

Under the Canada Pension Plan (CPP) legislation, the Plan must be reviewed every five years by both the federal and provincial governments. The sustainability of the Plan has been the focus of discussions among federal and provincial ministers. In February 1996, a document entitled *An Information Paper for Consultations on the Canada Pension Plan* was released by the Federal, provincial and territorial governments of Canada. This paper was distributed as part of the regular review of the CPP. It provided Canadians with an opportunity to assess the challenges facing the CPP

and to make their views known during the consultation process. Extensive consultations with the Canadian public about possible changes to the Plan took place in the past months and consultation will continue during the parliamentary process.

A bill proposing legislative changes to the CPP arising from the regular review is expected to be introduced in the fall of 1996. Changes to the Regulations will probably be required as a consequence, but the exact changes are not yet known.

Classification: Low-cost initiative

Contact: Terry de March, Director, Legislation Development, Programs Directorate, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

Old Age Security Regulations - New Seniors Benefit

In the Budget tabled in Parliament on March 6, 1996, the Government of Canada proposed a new seniors benefit to take effect in the year 2001. This is part of the government's commitment to ensure Canadians have a secure and sustainable pension system now and in the future. The new seniors benefit will slow down the long-term growth of the cost of public pensions that are paid out of the general revenues of the federal government. As early as 2001, the Seniors Benefit will begin to replace benefits currently being provided under the Old Age Security and Guaranteed Income Supplement/Spouse's Allowance programs. On Budget Day, the federal government released a document entitled *The Seniors Benefit - Securing the Future*. That paper invites interested groups and individuals to submit comments. Consultations will also continue during the parliamentary process.

Legislation amending the *Old Age Security Act* and describing the new seniors benefit is expected to be introduced later this year. Changes to the *Old Age Security Regulations* will probably be required as a consequence, but the exact changes are not yet known.

Classification: Low-cost initiative

Contact: Terry de March, Director, Legislation Development, Programs Directorate, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

Indian and Northern Affairs Canada

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Regulatory approach

In March 1995, the Minister of Indian Affairs and Northern Development announced his plans to seek First Nations' views on amendments to the *Indian Act* to eliminate its most archaic and objectionable provisions until the Act can be replaced by implementation of the inherent right of self-government. He has since written on three occasions to all Indian chiefs and to the leaders of First Nations' organizations seeking their broad agreement on changes that would remove the requirement for the Minister to become involved in activities and decisions that clearly should be the business of First Nations.

Amendments to the *Indian Act* are now being drafted with a view to introducing legislation in Parliament in the winter of 1996-97. All regulations pursuant to the *Indian Act* will be reviewed to determine what regulatory changes are required following the passage of the statutory amendments. Some regulations already identified as requiring revisions to reflect authorities delegated to band councils in the proposed statutory amendments are the *Indian Mining Regulations* and the *Indian Timber Regulations*. Others that are expected to need revisions to ensure consistency with statutory changes are the *Indian Estates Regulations* and the *Indian Reserve Waste Disposal Regulations*. The review may result in

additional regulations being identified as requiring amendments. As well, new regulations governing the operation of the Indian Land Registry will be required if the *Indian Act* amendments are enacted as currently proposed.

The Minister continues to place a high priority on completing devolution of the remaining provincial-type services to the territorial governments and on generating more revenue from resource management regimes. Cost-recovery initiatives to bring northern resource management revenues more in line with those of other jurisdictions have been completed for four regulations: *Yukon Timber Regulations*, *Territorial Lands Regulations*, *Territorial Land Use Regulations* and the *Territorial Quarrying Regulations*. An analysis of the royalty regime under the *Canada Mining Regulations* is under way; a review of the fee schedule in these regulations will also be undertaken to ensure cost recovery. Following the transfer of programs to the territorial governments, those federal regulations that are no longer required will be repealed.

General information

Roles and responsibilities

Indian and Northern Affairs Canada (INAC) was established in 1966 by the department of *Indian Affairs and Northern Development Act*, which gives the Minister responsibility for Indian, Inuit and northern affairs, including provincial-type responsibilities for the people and natural resources associated with Indian reserves, the Yukon Territory and the Northwest Territories, as well as responsibility for some programs and services for Status Indians off reserve. INAC places policy emphasis on recognizing and implementing the inherent right of self-government, promoting self-reliance of Aboriginal and northern communities by encouraging sustainable development, negotiating land claim agreements and overseeing their implementation, supporting the devolution of responsibilities to accountable Aboriginal and territorial governments, and responding to pragmatic local initiatives. The Indian and Inuit Affairs Program and the Northern Affairs Program administer INAC's regulatory responsibilities.

Legislative mandate

The Indian and Inuit Affairs Program is responsible for: fulfilling federal legal obligations arising from treaties and statutes concerning Aboriginal people;

providing for the community-based delivery of basic services (elementary/secondary education, social assistance, housing, community infrastructure) to Status Indians on reserves and to Inuit; assisting Indians on reserves and Inuit to get access to economic development programs and services; providing financial support to Status Indians participating in post-secondary education programs; negotiating the settlement of accepted claims relating to Aboriginal rights (not dealt with by treaty or other means) or past unfulfilled federal legal obligations; ensuring the implementation of comprehensive land claims agreements; and advancing Aboriginal self-government through legislative, policy and administrative changes.

The statutes administered by the Indian and Inuit Affairs Program, in whole or in part, include:

- *Alberta Natural Resources Act*
- *British Columbia Treaty Commission Act*
- *British Columbia Indian Cut-off Lands Settlement Act*
- *British Columbia Indian Reserves Mineral Resources Act*
- *Caughnawaga Indian Reserve Act*
- *Cree-Naskapi (of Quebec) Act*
- *Department of Indian Affairs and Northern Development Act*
- *Federal Real Property Act* (formerly titled the *Public Lands Grants Act*)
- *Fort Nelson Indian Reserve Minerals Revenue Sharing Act*
- *Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act*
- *Gwich'in Land Claim Settlement Act*
- *Indian (Soldier Settlement) Act*
- *Indian Act*
- *Indian Lands (Settlement of Differences) Acts* (1920, chapter 51 (B.C.); 1924, chapter 48 (Ontario))
- *Indian Lands Agreement Act, 1986*
- *Indian Oil and Gas Act*
- *James Bay and Northern Quebec Native Claims Settlement Act*
- *Manitoba Natural Resources Act*
- *Manitoba Supplementary Provisions Act*
- *Natural Resources Transfer (School Lands) Amendment Act, 1961*
- *New Brunswick Indian Reserves Agreement Act*
- *Nova Scotia Indian Reserves Agreement Act*
- *Nunavut Land Claims Agreement Act*
- *Pictou Landing Indian Band Agreement Act*
- *Railway Belt Act*
- *Railway Belt and Peace River Block Act*
- *Railway Belt Water Act*
- *Sahtu Dene and Metis Land Claim Settlement Act*
- *Saskatchewan Natural Resources Act*

- *Saskatchewan Treaty Land Entitlement Act*
- *Sechelt Indian Band Self-Government Act*
- *Songhees Indian Reserve Act*
- *Split Lake Cree First Nation Flooded Land Act*
- *St. Peter's Indian Reserve Act*
- *St. Regis Islands Act*
- *Western Arctic (Inuvialuit) Claims Settlement Act*
- *Yukon First Nations Land Claims Settlement Act **
- *Yukon First Nations Self-Government Act*

* Sections 20(1), (2) and (4) not yet proclaimed

The Northern Affairs Program is responsible for: coordinating federal activity and programming in the North; providing transfer payments to the governments of the Yukon Territory and the Northwest Territories (to help them provide public services to territorial residents); fostering northern science and technology and providing a focus for circumpolar affairs; supporting the balanced development of the North through the management of natural resources (oil and gas, minerals, water and lands) and the protection and management of the northern natural environment (including Arctic seas); fostering economic and employment opportunities for northerners, and funding social and cultural programs; and pursuing northern political development through devolution, program transfers, balanced economic development, the process of division of the Northwest Territories, and participation in the negotiation and implementation of northern land claims agreements, including the development of legislation and institutions establishing new resource management regimes in accordance with land claims agreements.

The statutes administered by the Northern Affairs Program, in whole or in part, include:

- *Arctic Waters Pollution Prevention Act*
- *Canada Lands Surveys Act, Part III*
- *Canada Oil and Gas Operations Act* (formerly titled the *Oil and Gas Production and Conservation Act*)
- *Canada Petroleum Resources Act*
- *Canadian Polar Commission Act*
- *Condominium Ordinance Validation Act*
- *Department of Indian Affairs and Northern Development Act*
- *Dominion Water Power Act*
- *Federal Real Property Act* (formerly titled the *Public Lands Grants Act*)
- *Land Titles Act*
- *Land Titles Repeal Act*
- *Northern Canada Power Commission (Share Issuance and Sale Authorization) Act*

- *Northern Canada Power Commission (Yukon Assets Disposal Authorization) Act*
- *Northwest Territories Act*
- *Northwest Territories Waters Act*
- *Nunavut Act*
- *Territorial Lands Act*
- *Yukon Act*
- *Yukon Placer Mining Act*
- *Yukon Quartz Mining Act*
- *Yukon Surface Rights Board Act*
- *Yukon Waters Act*

Initiatives for 1997

Indian and Inuit Affairs Program

INAC/87-491-L

Cree-Naskapi Band Expropriations

These regulations will establish the substantive and procedural requirements for expropriations by the Cree band and the Naskapi band of northern Quebec, for community purposes or community works, of rights and interests in Category 1A or 1A-N lands (lands under federal jurisdiction) or in buildings situated thereon.

The regulations will apply only on the Category 1A and 1A-N lands of the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Because of their limited application, these regulations will have little or no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with these regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

Legal authority: *Cree-Naskapi (of Quebec) Act*, section 156

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

INAC/90-399-L

Indian Estates

Section 13 of these regulations prohibits the payment of interest on money held in accounts on behalf of absent or missing heirs. A review concluded that it is improper to withhold interest on these accounts, since

the government is benefitting from the use of this money until it is paid out. In addition, in other (provincial) jurisdictions across Canada, interest is paid on similar types of accounts. An amendment to the regulations will allow for the payment of interest. The payment of interest would commence on the date that the amendment to section 13 becomes effective. There will be no retroactive payment of interest.

As a result of this amendment, the maximum current liability of the federal government would be approximately \$84,000 (at current interest rates) in interest on accounts held on behalf of missing or absent heirs. This cost will be offset by the use that the government will have of the money until it is paid out at some future time.

Legal authority: *Indian Act*, section 42

Contact: Barbara Craig, Director, Band Governance and Estates Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 18th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 953-6151; Fax: (819) 997-0034.

INAC/96-1-L

Indian Bands Council Method of Election (Technical Amendment)

These regulations provide for the methods of electing band councils for those Indian bands that conduct their elections under the *Indian Act*, and include schedules listing the bands to which the regulations apply. At present, whenever a band decides that it will no longer conduct its elections under the Act and wishes instead to revert to a local customary election system, the regulations must be amended to remove that band's name from one of the schedules. The proposed amendment will make this unnecessary.

This amendment is technical in nature and will not affect any of the powers of the bands listed in the regulations. There is no need to consult with the bands regarding this amendment because they themselves initiate any process to revert to customary election practices.

Legal authority: *Indian Act*, subsection 74(1)

Contact: Barbara Craig, Director, Band Governance and Estates Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 18th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 953-6151; Fax: (819) 997-0034.

INAC/96-2-L

Indian Oil and Gas Regulations, 1995 - First Nations Oil and Gas Management

The *Indian Oil and Gas Regulations, 1995* prescribe a regime for the administration of oil and gas rights on reserve lands. New regulations will be required for First Nations that will be participating in the First Nations Oil and Gas Management Initiative pilot project. These new regulations, based on the existing regulations, will incorporate changes required to provide for delegation of decision making and authority to participating First Nations. The existing regulations will continue to apply to all other First Nations not participating in the oil and gas management initiative.

The new regulations are being developed in consultation with First Nations that will be participating in the pilot project and will not involve new federal expenditures.

Legal authority: *Indian Oil and Gas Act*, section 3; *Financial Administration Act*, subsection 19(1)

Contact: Kerry Kipping, Director, Resource Initiatives, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 1822A, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-2210; Fax: (819) 953-3371.

Northern Affairs Program

INAC/93-15-L

Canada Mining (Housekeeping Amendments)

These regulations govern the administration and disposition of mineral rights in the Northwest Territories, including the staking and maintenance of mineral claims, leasing of mineral rights and payment of royalties on mineral production.

An amendment to the fee for identification tags (Schedule I, item 16) will reflect a 60-per cent increase in the price paid to the manufacturer. The federal government assay office no longer exists; therefore section 78 will be revoked. Pursuant to subsection 24(2), every locator of a claim, or a person acting on his or her behalf, must make application to record a claim on a prescribed form. Each claim requires a separate form. This system is labour intensive and time consuming. It is proposed to amend the form to allow for multiple claims.

The changes will benefit both government and industry by reducing operating costs, providing faster processing and reducing the paper burden.

Legal authority: *Territorial Lands Act*, section 8

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

IAN/94-12-M

Yukon Placer Mining Act, Yukon Quartz Mining Act - Mining Land Use

The *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* contain the rights and obligations for hardrock and placer mining in the territory. Neither act makes provision for environmental protection. Amendments to the two mining acts will provide for regulations for activities related to mineral exploration, development and production, and to mine closure to meet the requirements of environmental assessment legislation.

In response to the mining industry's concerns about adequate consultation, the Yukon Mining Advisory Committee was established, consisting of environmental, Aboriginal, placer mining and hardrock mining interests in the Yukon Territory, and representatives of federal and territorial governments.

The proposed legislation and regulations will result in increased environmental protection consistent with the environmental assessment legislation. This initiative is classified as major because of the considerable expansion of the department's administrative, analytical, inspection and enforcement capabilities that will be required. Fees will be designed in a manner consistent with administrative charges already applicable to other land uses in the territories.

Legal authority: *Yukon Placer Mining Act* and *Yukon Quartz Mining Act* (proposed amendments)

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

INAC/R-1-I

Yukon Mining - Staking Prohibitions

In 1997, approximately 10 orders in council under the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* will be required to prohibit the staking of claims and prospecting for precious minerals on certain lands in the Yukon Territory that are required for various public purposes. Prohibition orders have been used consistently over the years to protect lands required to meet certain public policy objectives, including the settlement of native land claims. Only the prospecting and staking of new claims will be prohibited. The holders of claims in good standing retain all existing rights without interference. Lapsed claims, however, cannot be restaked.

Legal authority: *Yukon Quartz Mining Act*, section 14.1; *Yukon Placer Mining Act*, section 98

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/R-2-I

Federal Government Employee Land Acquisitions

In 1997, approximately 10 orders in council under the *Territorial Lands Act* will be required to authorize employees of the Government of Canada to acquire interests in Crown lands in the Northwest Territories or the Yukon Territory. These orders will also ensure conformity with the federal government's conflict-of-interest guidelines. Employees or their spouses routinely acquire territorial lands for residences, cottages or commercial interests.

These orders will have no impact on the general public, although employees and their families may suffer financial or personal hardship if an order is not approved in a timely manner.

Legal authority: *Territorial Lands Act*, section 29

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/90-410-I

Territorial Lands

These regulations govern the disposition of Crown land in the Yukon Territory and Northwest Territories. They have become dated in some areas and procedures need to be streamlined. A new requirement, in some cases, for a security deposit will ensure greater control over site rehabilitation and environmental management.

The new regulations will be made pursuant to both the *Territorial Lands Act* and the *Federal Real Property Act* to provide for the administration of land within the territories and the adjacent offshore areas. The department will consult northern interest groups and affected parties on the development of these regulations.

Legal authority: *Territorial Lands Act*, subsection 23(h); *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/97-3-I

Yukon Pits and Quarries Regulations

The present *Territorial Quarrying Regulations*, which were promulgated in 1957, have become inadequate for the effective conservation of granular material deposits, the management of extracting operations and the protection of the environment. Revised regulations will provide a more effective, streamlined permitting regime across the Yukon based on a combined quarry permit/land use permit system. An operator seeking access to quarry materials need only apply for a quarry permit. The department will include in the permit the environmental terms and conditions normally attached to a land use permit, eliminating the need for the operator to apply for a separate land use permit.

The department will consult northern interest groups and affected parties on the development of these regulations.

Legal authority: *Territorial Lands Act*, subsection 23(l)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian

and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/95-26-L

Yukon Timber

These regulations govern the disposition of timber-cutting rights on territorial lands in the Yukon Territory. Amendments will deal with concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. These concerns relate to notice of cancellation of permits and appeal procedures.

Legal authority: *Territorial Lands Act*, sections 18 and 23

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/95-27-L

Yukon Forest Protection

These regulations provide for forest protection on territorial lands in the Yukon Territory. Amendments will clarify the federal government's authority to hire or summon extra firefighters on an emergency basis. Additional amendments, which respond to a concern of the Standing Joint Committee for the Scrutiny of Regulations, will require notice to be provided to land occupants before forestry officers enter an infected area to control or eradicate insects or disease. This regulatory initiative will have minimal impact since the regulatory regime will remain unchanged.

Legal authority: *Territorial Lands Act*, sections 18 and 23; *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/95-16-I

Mackenzie Valley Environmental Impact Assessment

Regulations dealing with environmental impact assessment within the Mackenzie Valley are required to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which is expected to be introduced by the end of 1996, will create new resource management boards and will authorize these regulations.

Additional environmental assessments may be required, possibly resulting in a moderately increased cost to developers.

Legal authority: *Mackenzie Valley Resource Management Act* (proposed)

Contact: Gary Nicholl, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington Street, Hull, Quebec, K1A 0H4.
Tel.: (819) 997-0222; Fax: (819) 953-8766.

INAC/95-17-I

Mackenzie Valley Land Use

Regulations dealing with the use of lands within the Mackenzie Valley are required to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which is expected to be introduced by the end of 1996, will create new resource management boards and will authorize these regulations.

Land use fees and application fees, previously set in 1971, will be increased, adding to the costs associated with exploration and development in the Mackenzie Valley.

Legal authority: *Mackenzie Valley Resource Management Act* (proposed)

Contact: Gary Nicholl, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington Street, Hull, Quebec, K1A 0H4.
Tel.: (819) 997-0222; Fax: (819) 953-8766.

IAND/94-23-L

Mackenzie Valley Surface Rights

A Mackenzie Valley Surface Rights Bill is currently being drafted and is expected to be introduced in 1997. It will establish a Surface Rights Board within the Mackenzie Valley, which is required to implement the Gwich'in and Sahtu land claims agreements. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in the Mackenzie Valley will be increased marginally as a result of these regulations.

Legal authority: *Mackenzie Valley Surface Rights Act* (proposed)

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

IAND/94-24-L

Nunavut Surface Rights

A Nunavut Surface Rights Bill is expected to be introduced by the end of 1996. It will establish a Surface Rights Tribunal within Nunavut, which is required to implement the Nunavut Land Claim Final Agreement. The regulations will set fees for entry onto settlement land and facilitate operation of the Tribunal.

It is anticipated that the costs associated with resource exploration and development in Nunavut will be increased marginally as a result of these regulations.

Legal authority: *Nunavut Surface Rights Act* (proposed)

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

INAC/96-6-I

Nunavut Land Use Security Regulations

Under the Nunavut Land Claim Final Agreement, those involved in development activities in the Nunavut Settlement Area are liable for damage caused to wildlife by those activities. Section 6.3.4 of

the Agreement provides for legislation requiring developers to show proof of financial responsibility to ensure that Inuit are able to obtain compensation for loss or damage suffered as a result of development activities. These regulations will implement the provisions of the Agreement by requiring persons engaged in development activities in the Nunavut Settlement Area to provide proof of financial responsibility prior to the issuance of permits under the *Territorial Land Use Regulations*, or prior to the sale, lease or other disposition of territorial lands under the *Territorial Lands Act* or any authorization under section 5 of the *Canada Oil and Gas Operations Act*.

Legal authority: *Territorial Lands Act*, sections 5 and 8; *Canada Oil and Gas Operations Act*, section 14

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

INAC/91-433-L

Northwest Territories Reindeer (Revocation)

These regulations provide for the management and protection of reindeer in the Northwest Territories. A review of the regulatory framework has indicated that, due to duplication of legislation and redundancies in the context of current reindeer management issues, the regulations should be revoked. The regulations will be revoked once reindeer are included as an indigenous species under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*.

This initiative would remove unnecessary administrative requirements, which should have a positive impact on the owners of reindeer in the Northwest Territories. The department will complete consultations with potentially affected parties before revoking the regulations.

Legal authority: *Northwest Territories Act*, subsection 47(1)

Contact: Fred McFarland, Chief, Biological Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9621; Fax: (819) 953-2590.

IANC/94-33-L

Canada Oil and Gas Land

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s. Canadian ownership requirements, as well as many other provisions, in these regulations will be revoked to ensure consistency with oil and gas legislation.

As these regulations have been in place for many years, the oil and gas industry is familiar with them. The proposed amendment will have a positive impact. This initiative is the same as initiative number NRCan/94-41-L.

Legal authority: *Territorial Lands Act*, section 23; *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0878; Fax: (819) 953-5828.

INAC/92-24-I

Frontier Lands Division and Minimum Area

The relevant portions of the existing *Canada Oil and Gas Land Regulations*, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum (NAD) pursuant to the *Territorial Lands Act* and the *Public Lands Grants Act*.

With the creation of a new satellite survey system, NAD 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater degree of accuracy that new surveying methods will provide. This initiative is the same as COGLA/89-136-I.

Legal authority: *Canada Petroleum Resources Act*, section 107

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0878; Fax: (819) 953-5828.

IAND/94-38-L

Frontier Lands Registration

The *Canada Petroleum Resources Act* allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances. These regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The petroleum industry is already complying with the regulations. The amendments will have no negative impact; rather, they will make it easier for industry to comply with the regulations. This initiative is the same as COGLA/89-132-L.

Legal authority: *Canada Petroleum Resources Act*, sections 100 and 107

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0878; Fax: (819) 953-5828.

INAC/97-4-L

Canada Petroleum Resources Act - Frontier Lands Work Prohibition Order

In the case of an environmental or social problem of a serious nature, the *Canada Petroleum Resources Act* allows for the making of an order prohibiting any specified interest owner from conducting any work on the frontier lands subject to the order. Because of the presence of unmarked burial sites around Bovie Lake, Northwest Territories, and its spiritual significance for the local population, the area has been excluded, at the local First Nation's request, from oil and gas rights issuance.

A work prohibition order covering Bovie Lake, plus a perimeter of one kilometre around it, would allow for the issuance of oil and gas exploration rights while protecting the surface lands from oil and gas activity by the interest owner. The work prohibition order would be supported by both industry and the local First Nation, as horizontal drilling under the area subject to the work prohibition order would be permitted while, at the same time, the land would be protected from surface activity.

Legal authority: *Canada Petroleum Resources Act*, section 12

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel: (819) 997-0878; Fax: (819) 953-5828.

INAC/96-7-L

Dominion Water Power Act - Special Regulations

The federal government retained control and administration of the water power rights for certain hydro operations in Alberta under the *Alberta Natural Resources and Transfer (Amendments) Act* of 1945. It is necessary to develop special regulations, under the federal *Dominion Water Power Act* (DWPA), to relicense two Alberta hydro operations, at Kananaskis Falls and Horseshoe Falls on the Bow River. The current general regulations under the DWPA are vague respecting licence renewal and it is essential to establish clear authority for these renewals. The department will consult with the Province of Alberta, the hydro operators and affected First Nations when developing these regulations.

Legal authority: *Dominion Water Power Act*, section 15

Contact: Chris Cuddy, Director, Water Power, DWPA, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7483; Fax: (819) 997-9623.

Future initiatives

Archaeological Sites (Yukon and Northwest Territories) (Housekeeping Amendments)

These regulations govern the examination, disposition and removal of archaeological and historical resources in the Yukon and Northwest Territories. The governments in the Yukon and Northwest Territories already administer these regulations, but amendments are required to regularize these administrations. The amendments, pursuant to the *Yukon Act* and the *Northwest Territories Act*, will delegate administrative authority for these regulations to the Ministers who are responsible for heritage matters in each territory.

Classification: Low-cost initiative

Contact: Thomas Poetschke, Senior Analyst, Program Devolution, Sectoral Policy and Program Devolution, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 949, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9336; Fax: (819) 997-0552.

Canada Mining Royalty Regime

The *Canada Mining Regulations* (CMR) govern the administration and disposition of mineral rights in the Northwest Territories. Based on recent discoveries in the Northwest Territories, it appears that Canada has great potential to become a major world producer of diamonds.

The CMR have adequately regulated the assessment of royalties for minerals that can be evaluated in bulk, such as precious metals or base metals. However, the Regulations were not designed to deal with a product whose value is specific to individual specimens, such as diamonds. Exploration for diamonds is being satisfactorily carried out under the CMR. However, an analysis to determine what, if any, new legislation and regulations may be required will be completed before diamond production begins.

The analysis, which is currently under way, will identify amendments or new legislation and consequent regulations, taking into account concerns relating to the existing royalty regime, revenue generation, economic development, security, Aboriginal issues and the environment. The analysis is being undertaken co-operatively with Finance Canada, Industry Canada, Natural Resources Canada and the Government of the Northwest Territories. A separate review of service fees, to ensure full recovery of costs, and other minor administrative issues will identify the need for other changes. In addition, the mining industry will be consulted and, under the terms of the land claims agreements, consultations will also be undertaken with representatives of the Aboriginal peoples of the Northwest Territories.

Classification: Intermediate-cost initiative

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

Yukon Quartz Mining Act - Minesite Reclamation

Amendments to the *Yukon Quartz Mining Act* will authorize these regulations to deal with the environmental impact of mining from the advanced exploration stage through development, closure and decommissioning. A discussion paper on these regulations was released to the public in 1993. The regulations will be developed after completion of public consultation on the discussion paper.

Classification: Major initiative

Contact: Martin Barnett, Senior Advisor, Mining/Environment Interface, Mineral Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0912; Fax: (819) 953-9066.

Yukon Quartz Mining Act Work Relief Regulations (Extension)

In accordance with the *Yukon Quartz Mining Act*, a claim holder must perform \$100 worth of exploratory work each year. The *Yukon Quartz Mining Act Work Relief Regulations* waive the work requirement if the claim holder so wishes, but do not restrict current claim holders; they do not prevent the claim holders from exercising their right to work the claim. The Regulations encourage the reduction or elimination of work done so that the area can be protected until the appropriate management regimes are put in place.

In 1978, in order to set aside land for a national park and other conservation purposes, Order in Council P.C. 1978-2195 withdrew certain lands in the northern Yukon Territory from dispositions such as mining. At the time there were 332 mineral claims in good standing in the area. To avoid land and other disturbances in the area until a proper management regime could be put in place, the *Yukon Quartz Mining Act Work Relief Regulations* were instituted to reduce the amount of exploratory work being done on the mineral claims. In addition, through the native claims settlement process for the Yukon Territory, the Kluane Tribal Council has outlined an area that it considers to be sensitive to development activities and that contains a large number of mineral claims in good standing. Subsequent work relief orders have extended the regulations for both areas every two years.

In response to the above-noted concerns, the Regulations eliminate the necessity for claim holders to make expenditures on mineral claims in an area that has been withdrawn for a park or other conservation purposes. Orders extend the present regime and therefore have no significant impact other than protecting the existing rights of the holders of mineral claims until such time as final disposition of the area is determined in consultation with Aboriginal and other affected parties.

Although there are currently only 8 of the original 332 mineral claims that remain in good standing in the withdrawn area, a further extension of the Regulations may be required by the end of 1998.

Classification: Low-cost initiative

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

Territorial Dredging

The *Territorial Dredging Regulations*, promulgated in 1978, govern dredging rights for minerals in submerged river beds in the Northwest Territories and the Yukon Territory. These regulations require some updating; however, changes are not expected to be major or controversial.

An assessment will identify proposed amendments which would then be discussed with stakeholders. Revisions would be made as part of normal ongoing regulatory change. Timing will be dependent on the extent of change required, concurrence on amendments and other priorities.

Classification: Low-cost initiative

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

Northwest Territories Pits and Quarries Regulations

The present *Territorial Quarrying Regulations*, which were promulgated in 1957, have become inadequate for the effective conservation of granular material deposits, the management of extracting operations and the protection of the environment. Revised

regulations will provide a more effective, streamlined permitting regime across the Northwest Territories, excluding the Mackenzie Valley region (see next item), based on a combined quarry permit/ land use permit system. An operator seeking access to quarry materials need only apply for a quarry permit. The department will include in the permit the environmental terms and conditions normally attached to a land use permit, eliminating the need for the operator to apply for a separate land use permit. Also the revised regulations will provide a more effective regime for offshore granular material management, particularly in light of major development activities such as artificial island construction.

The revised regulations will be pursuant to the *Territorial Lands Act*. The department will consult northern interest groups and affected parties on the development of these regulations.

Classification: Intermediate-cost initiative

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian Affairs and Northern Development, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

Mackenzie Valley Pits and Quarries Regulations

The present *Territorial Quarrying Regulations*, which were promulgated in 1957, have become inadequate for the effective conservation of granular material deposits, the management of extracting operations and the protection of the environment. While the proposed *Northwest Territories Pits and Quarries Regulations* were intended for all the Northwest Territories, they cannot be applied to the Mackenzie Valley because of land claim settlement legislation. In keeping with the Gwich'in and Sahtu land claims agreements, the proposed *Mackenzie Valley Land Use Regulations* stipulate that all uses of land will be regulated by the Land and Water Boards. Therefore, a new set of quarrying regulations, to be called the *Mackenzie Valley Pits and Quarries Regulations*, will be proposed which will essentially mirror the *Northwest Territories Pits and Quarries Regulations*, excluding the land use component. Revised regulations will provide a more effective regime for offshore granular material management, particularly in light of major

development activities such as artificial island construction.

The revised regulations will be pursuant to the *Territorial Lands Act*. The department will consult northern interest groups and affected parties on the development of these regulations.

Classification: Intermediate-cost initiative

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

Cree-Naskapi Special Band Meetings

These regulations will govern special band meetings of the Cree bands and the Naskapi band. They will include provisions for calling and conducting meetings, including provisions for voting at meetings and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a special band meeting, there is no special band meeting by-law in force.

The regulations will apply only to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

Classification: Low-cost initiative

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

Cree-Naskapi Band Referenda

These regulations will govern band referenda of the Cree bands and the Naskapi band. They will include provisions for calling and conducting referenda, including provisions for voting in referenda and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a band referendum, there is no band referenda by-law in force.

These regulations will apply to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

Classification: Low-cost initiative

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

Industry Canada

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Regulatory approach

Industry Canada is a major regulatory department with diverse responsibilities in the areas of consumer products, business framework, radio spectrum management and telecommunications. The department seeks to maximize the efficiency and the effectiveness of these regulatory programs by continually improving service to clients, seeking alternatives to regulation, reducing regulatory duplication and reducing paper burden.

As the department responsible for the government's microeconomic policies, Industry Canada has a strong interest in ensuring that Canadian regulatory programs are as efficient and effective as possible so as to ensure a healthy business environment, thereby increasing Canadian competitiveness and creating jobs. The department is sponsoring or co-sponsoring a number of initiatives to improve the regulatory environment and reduce regulatory burden. Initiatives co-sponsored with Treasury Board Secretariat include: developing and applying the Business Impact Test (BIT) and developing training for regulators on using the BIT; promoting the enhanced use of the National Standards System (NSS) for regulatory purposes via the Standards and Regulatory Reform Project (SARRP), which is funded under the Building a More Innovative Economy (BMIE) initiative; and reducing the paper

burden encountered by business, especially small business.

Regulatory Process Management Standards (RPMS) - The federal government's Regulatory Policy requires regulatory authorities to ensure that regulation results in the greatest net benefit to Canadians by demonstrating that regulation is justified, that benefits outweigh costs, and that regulatory burden and adverse impacts on the economy are minimized. In addition, it calls on regulating departments to implement the Regulatory Process Management Standards (RPMS) aimed at ensuring that these policy objectives are consistently achieved. This call includes a requirement that regulators use the BIT or an equivalent analysis for major regulatory proposals.

The department has developed a plan to ensure that its policies and procedures meet or exceed the requirements of the Regulatory Policy, including the RPMS. To this end, the department has undertaken a special review of regulatory practices and procedures to identify and resolve priority areas for improvement. In addition, the review will explore issues related to establishing performance standards and quality assurance practices.

Improving the regulatory environment at Industry Canada - Industry Canada's regulatory approach is intended to promote a healthy, dynamic and efficient marketplace while still achieving the public policy goals of regulation. To this end, Industry Canada is using alternatives to traditional regulation, eliminating outmoded or duplicative regulations, harmonizing regulatory requirements to reduce barriers to trade, reducing paper burden and improving service to the public.

Alternatives to traditional regulation - Industry Canada is encouraging regulators to use the tools provided by the National Standards System (NSS) as an efficient and effective means of achieving regulatory objectives. Bill C-4, *An Act to Amend the Standards Council of Canada Act*, has been passed by the House of Commons in 1996. Its intent is to modernize and streamline the Council as well as to modernize its mandate to allow a greater contribution to the government's microeconomic policy objectives. In addition, the department has funded the Standards and Regulatory Reform Project to help regulators determine how to make the best use of the NSS.

Industry Canada has other projects to improve service to clients by promoting alternatives to

traditional regulation. The Consumer Products Directorate (CPD) is working with the retail industry to implement a national price verification procedure, based on the U.S. model, aimed at verifying the accuracy of prices registered at the cash register. CPD is also introducing a voluntary standards program for the anti-freeze industry. The Office of Consumer Affairs is leading an initiative to prepare a guide to help market participants develop voluntary codes. The Legal Metrology Branch (LMB) is revising requirements to make them less prescriptive, in terms of design, and more performance-based. LMB is also investigating the use of accreditation and certification of organizations to perform inspection services traditionally done by the government.

Eliminating outmoded regulations and duplication - CPD is revising the *Consumer Packaging and Labelling Regulations* to eliminate duplication and all references to expired requirements, to reflect changes to other legislation and to improve clarity. Other regulatory branches, such as Bankruptcy and Radiocommunications and Broadcasting, are reforming their regulations to eliminate duplication and economically counterproductive or obsolete regulations. The Corporations Directorate is working on a proposal to eliminate unduly burdensome requirements and to harmonize regulations under the *Canada Business Corporations Act* (CBCA) with applicable provincial securities legislation. Finally, LMB is expanding bilateral agreements with the United States by which duplication of work is reduced and results of device approval tests are recognized by both countries.

Harmonization of requirements to reduce barriers to trade - LMB is continuing negotiations with the United States to harmonize regulations and specifications related to weighing and measuring device design, performance, installation and use. CPD has revoked standardized container size requirements for 11 product classes to give industry more flexibility in packaging and to remove a non-tariff barrier to trade.

Reducing paper burden - The Corporations Directorate is working on a regulatory proposal to exempt CBCA corporations from providing documents to the Directorate if similar information is required and has been filed under another federal or provincial Act. The Directorate is also looking at ways and means to combine the CBCA annual return filing with Revenue Canada's Corporate Income Tax return. The Spectrum Management

Program has various initiatives underway that will allow its licensees, industry associations and the general public to complete transactions electronically. These transmissions include submitting applications, transferring funds and obtaining general information. The Lobbyist Registration Branch already allows its clients to use electronic filing instead of paper forms and the Corporations Directorate's electronic filing initiative will allow its clients to file information electronically. LMB and CPD have placed all of their publications and regulations on an Internet home page.

Improving service to the public - The Consumer Products Directorate is developing a number of service standards, one of them dealing with consumer complaints about packaged goods and others dealing with the various services the Directorate provides to its clientele. The Corporations Directorate has amended the CBCA regulations to permit corporations to file annual returns on forms other than those supplied by the Directorate. The Spectrum Management Program has developed client service standards that are being implemented for its major product lines. These standards cover a range of issues, from waiting times for service at the counter in district offices to how long it will take to issue a radio licence. The Radiocommunications and Broadcasting Regulatory Branch is establishing a partnership with Amateur Radio Administrative Services (ARAS) to empower ARAS to manage the certification and licensing of radio amateurs. The Canadian Intellectual Property Office (CIPO) has developed client service standards that each employee is accountable for upholding. These cover issues such as the length of time CIPO takes to respond to telephone or written enquiries, and describe a process for receiving suggestions or complaints. The Bankruptcy Branch has also developed service standards for its clients.

Promoting a healthy regulatory environment - As the lead department concerned with ensuring that marketplace rules are beneficial, Industry Canada works in a number of ways to improve the regulatory environment. For example, the department is the lead department on the automotive and forest products sectoral reviews identified in the BMIE, and the Competition Bureau intervenes regularly in formal regulatory proceedings on matters of economic regulation in the transportation, telecommunications and energy sectors.

Industry Canada and Treasury Board Secretariat, in association with the Alliance of Manufacturers and Exporters of Canada (formerly CMA), have developed a consultation tool, the Business Impact Test (BIT), to assess the impact of regulations on business. The department also helps others use the BIT. To date, BIT processes have been used federally in at least 18 major consultative efforts involving proposals for new regulations and for reforming existing regulatory systems. They have provided data from the business community to help regulators design better regulations.

The BIT software is currently being upgraded to make it more accessible to small business and facilitate its use in the business community. The upgraded BIT will be made available on the Internet as a Strategis product and a formal training program is being developed.

There is a strong interest in regulatory reform in a number of provincial jurisdictions. The BMIE commits the federal government to an inter-governmental process to "reduce obstacles to domestic trade caused by differences, duplications or overlaps in regulatory measures or regimes among governments." The Agreement on Internal Trade includes commitments to reconcile standards-based systems by placing greater reliance on the National Standards System overseen by the Standards Council of Canada. Moreover, the Agreement provides a framework for co-operation among governments in respect of other regulatory measures and regulatory regimes.

Federal and provincial deputy ministers of industry have discussed regulatory reform at their last two meetings and have agreed to cooperate in three main areas:

- establishing a federal-provincial working group to share information on best practices and advance regulatory co-operation;
- assisting the provinces in using the BIT (either on their own or in joint exercises); and
- promoting reliance on the NSS for resolving standards-related internal trade barriers.

General information

Roles and responsibilities

The department's vision is sustainable growth through increased productivity and competitiveness in Canada's private sector. To realize this vision, the

department focuses its efforts on three mutually reinforcing lines of business.

Microeconomic policy - Industry Canada is the government's lead department on the microeconomic policy agenda from both the producer and consumer standpoints. The department plays a key role in developing science and technology policy, and takes the lead in developing competition policy, federal corporate law, bankruptcy law and intellectual property standards, all of which encourage competition and innovation.

Marketplace rules and services - Industry Canada implements and manages many of the rules of the marketplace. The extensive marketplace support that the department provides - including lobbyist registration, corporate law administration, bankruptcy services, legal metrology inspection, spectrum interference monitoring, consumer product inspection and the promotion of voluntary codes of practice - helps to ensure that businesses and consumers benefit from a marketplace that is open, fair and efficient. Marketplace rules and the services that support them are the main building blocks of a competitive business environment.

Industry sector development - Industry Canada provides a broad range of unique, world-class services, information products and sectoral policies designed to help Canadian industry compete successfully in domestic and international markets. Our efforts are designed to benefit all industry, but individual efforts are tailored to specific needs in 14 major sectors. The department pays close attention to the special needs of small and medium-sized enterprises in areas such as trade development, technology diffusion, strategic intelligence and information.

Legislative mandate

Industry Canada administers a broad range of acts, including those listed below:

- *Atlantic Canada Opportunities Act*
- *Bankruptcy and Insolvency Act*
- *Boards of Trade Act*
- *Business Development Bank of Canada Act*
- *Canada Business Corporations Act*
- *Canada Cooperative Associations Act*
- *Canada Corporations Act*
- *Canadian Space Agency Act*
- *Companies' Creditors Arrangements Act*
- *Competition Act*

- Competition Tribunal Act
- Consumer Packaging and Labelling Act
- Copyright Act
- Department of Industry Act
- Electricity and Gas Inspection Act
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- Patent Act
- Pension Fund Societies Act
- Precious Metals Marking Act
- Public Servants Inventions Act
- Radiocommunication Act
- Small Business Loans Act
- Social Sciences and Humanities Research Council Act
- Standards Council of Canada Act
- Statistics Act
- Telecommunications Act
- Textile Labelling Act
- Trade-marks Act
- Weights and Measures Act
- Western Economic Diversification Act

Administrative arrangements

- Canada Agricultural Products Act
- Corporations and Labour Unions Returns Act
- Excise Act
- Fish Inspection Act
- Food and Drugs Act
- Shipping Conferences Exemption Act
- Teleglobe Canada Reorganization and Divestiture Act
- Telesat Canada Reorganization and Divestiture Act
- Winding-up Act

Initiatives for 1997

Bankruptcy Branch

CACC/93-26-L

Bankruptcy and Insolvency - Rules and Forms

The Bankruptcy and Insolvency Rules and the prescribed forms include some provisions that are obsolete or inadequate. A complete revision of the Rules and the accompanying forms is required.

In general, the Rules and the prescribed forms aim to ensure the certainty and uniformity of the procedure before the courts.

The objectives of this revision are to modernize, clarify and harmonize the Bankruptcy and Insolvency Rules and the prescribed forms to eliminate duplication and to repeal obsolete provisions.

The revision will make the *Bankruptcy and Insolvency Act* easier to administer. Moreover, it will be designed to reduce paper burden, especially the disproportionate burden borne by professionals and business people. Note that Rule 3, which prescribes that forms can be modified in accordance with the circumstances, will be maintained.

This initiative will be implemented simultaneously with IC/96-3-L, "Bankruptcy and Insolvency (New Legislation)."

Until the modifications come into force, the Bankruptcy Branch will consult insolvency professionals and the provinces that administer the courts that have jurisdiction in bankruptcy matters.

Responsibility for ensuring conformity to rules and prescribed forms rests, in part, with the Superintendent of Bankruptcy, and with the courts that have jurisdiction in bankruptcy matters.

Having considered all alternatives, the department considers regulation the most appropriate means of proceeding.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3, section 209

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IC/96-1-L

Bankruptcy and Insolvency - Fees Payable to Trustees for Summary Proceedings and Consumer Proposals

Rule 115 of the Bankruptcy and Insolvency Rules establishes the fee and disbursement structure for bankruptcy trustees in summary proceedings. Its most recent amendment dates back to 1990. Rule 116, dating back to 1992, sets forth the fees and disbursements pertaining to consumer proposals.

The amounts of these fees and disbursements will be reviewed to reflect the costs incurred in administering the assets, and the conditions of the market and of the economy. This amendment will result in a better balance being struck between the services rendered and the fees requested.

Any increase in fees will directly affect the dividends distributed to the creditors, along with the amount paid to the Superintendent of Bankruptcy.

Consultations with members of the insolvency community – trustees, lawyers, creditors' associations, business people and other interested parties – are underway to determine the scope of the amendments required.

The Act provides that this change is to be made by regulation. There is therefore no alternative solution.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3, section 156 and paragraph 66.12(6)(b)

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IC/96-3-L

Bankruptcy and Insolvency (New Legislation)

Bill C-5 to amend the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act* and the *Income Tax Act* was tabled in the House of Commons on March 4, 1996. If Parliament were to adopt and implement this bill in 1997, the rules and forms promulgated under current insolvency laws would need revision to update them and to harmonize them with the new legislation. Care would be taken to avoid placing an excessive bureaucratic burden on insolvency professionals and business people.

The department will consult with various members of the insolvency community, including trustees, lawyers, creditors' associations, business people and other interested parties at the appropriate time.

Having considered all alternatives, the department considers regulation the most appropriate means of proceeding.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3 and subsequent amendments;

Companies' Creditors Arrangement Act, R.S.C. 1985, chapter C-36

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IC/97-1-L

Bankruptcy and Insolvency - Orderly Payment of Debts - Provincial Levy

Part X of the *Bankruptcy and Insolvency Act* (Orderly Payment of Debts) provides a mechanism to facilitate payment of the debts of an overburdened non-corporate debtor. The debtor may obtain a consolidation order from the court. This order allows regular payments by the debtor, to be distributed among the creditors in proportion to the amount of their claims.

This part of the Act applies only to those provinces and territories that have agreed to administer it, including British Columbia, Alberta, Saskatchewan, Manitoba, Prince Edward Island, Nova Scotia and the Northwest Territories.

Section 30 of the *Orderly Payment of Debts Regulations* prescribes the levy rate on dividends paid to a registered creditor in respect of a claim under a consolidation order. This levy is currently set at 10 per cent.

Certain provinces have requested an increase in this levy. The provinces involved and other stakeholders will be consulted to obtain their comments.

An increase in the levy would reduce the amount paid to a creditor but, on the other hand, would allow the provinces to recover more of their costs.

The Act provides that this change must be made by regulation. There is therefore no alternative solution.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3, paragraph 240(b)

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IC/R-4-L

Bankruptcy and Insolvency - Levy Adjustment

Rule 113 under the *Bankruptcy and Insolvency Act* prescribes the fee payable to the Superintendent of Bankruptcy to recover the costs of operations of the Office of the Superintendent. This fee is levied against dividends paid to creditors.

The Office of the Superintendent reviews the rate periodically and may adjust it.

The level of any rate increase and the resulting increased cost to beneficiaries of these services are not known at this time. However, the Office of the Superintendent of Bankruptcy will consult stakeholders concerning any proposed changes to the rate.

An increase in the levy would reduce the amount paid to a creditor but, on the other hand, would allow the Office of the Superintendent to recover more of its costs and thus ensure better monitoring of bankruptcy administration.

The Act provides that this change must be made by regulation. There is therefore no alternative solution.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3, section 147

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Spectrum Engineering Branch

COM/91-107-L

Broadcasting Technical Data Services Fees Order

The department charges a fee for the provision of broadcast technical data information to the broadcasting industry and the general public. Currently, these fees are prescribed by order under section 19 of the *Financial Administration Act*.

The department will repeal this order but will continue to provide the data information using the authority to fix fees which is granted to the Minister of Industry in section 19 of the *Department of Industry Act*.

Consultations with the broadcasting industry will take place prior to fixing the fees. It is expected that the cost to the industry and the public for the information will remain the same. The benefit of using the *Department of Industry Act* for fixing the fees is that the procedure will permit Industry Canada to add new products and remove outdated products more quickly, and make them available to the broadcasting industry and the general public much sooner.

Legislation requires regulation for charging fees for broadcast technical data services. The nature of this initiative does not allow for self-regulation.

Legal authority: *Financial Administration Act*, section 19; *Department of Industry Act*, section 19

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IC/97-2-L

Telecommunication Apparatus Assessment and Testing Fees

The fees charged for the technical assessment, testing and certification of radio and terminal equipment are periodically reviewed and revised to ensure that the departmental costs are recovered. This proposal will adjust the level of fees to reflect current costs of providing these services, in keeping with government policies on cost recovery.

All fee increases are expected to be minimal and testing fees will be based upon fees charged by private labs for testing. The economic impact on the telecommunications industry and the private laboratories is expected to be negligible. The testing being done by the government laboratory is not competing with the testing services provided by private laboratories.

Consultations will take place with the affected manufacturers, importers and distributors that form part of the telecommunications industry. Consultations may also take place with private laboratories.

Legislation requires regulation for charging fees for technical assessment, testing and certification of radio and terminal equipment. The nature of this initiative does not allow for self-regulation.

Legal authority: *Financial Administration Act*, section 19

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IC/R-5-L

Interference-causing Equipment Standards List - List of Applicable Standards

Interference-causing equipment standards set the methods of measurement and limits for radio noise emissions from electrical equipment. These limits apply to non-radio equipment and are intended to prevent pollution of the radio environment, preserving it for the interference-free operation of the radiocommunications services vital to the Canadian economy and the safety and convenience of Canadian citizens. When a standard for a particular class of equipment is listed in the Interference-causing Equipment Standards List, it becomes mandatory for all such equipment manufactured in or imported into Canada.

New and revised standards will be added to the list from time to time on an ongoing basis, for a variety of reasons. Most amendments are made to bring the standards in line with the introduction of improved measurement technology or to improve their correspondence with revisions to international standards. New standards are added to address the introduction of new electrical/electronic devices and services, to control the effect of devices that have become an interference problem because of their proliferation, or to satisfy reciprocity requirements of international obligations such as NAFTA.

Timely introduction of such standards has a minimal economic impact upon manufacturers, as the introduction of compliance methods at the design stage will minimize additional costs. Furthermore, manufacturers and importers are already required, under the *Interference-causing Equipment Regulations*, to ensure that all electrical equipment is unlikely to cause radio interference. Standards simply refine the means of providing that assurance. Matching these standards, as far as possible, with world or regional norms also tends to minimize the cost of compliance by reducing the duplication of effort that would otherwise be required to satisfy diverse requirements in different countries.

Through consultation, the department seeks consensus between manufacturers and suppliers of the affected equipment and the radiocommunications industry, whose successful operation would be compromised by the absence of adequate controls on the pollution of the electromagnetic environment. The department ensures that opposing interests of both parties are represented when developing the basic standards.

The alternative to mandatory standards is voluntary observance of emission control design by the manufacturers. Because of the adversarial interests of the providers of the affected equipment and the users of the radio spectrum, this approach is, demonstrably, unworkable.

Legal authority: *Radiocommunication Act*, section 5

Contact: Garth Roberts, Director, EMC Analysis and Consultation, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4716; Fax: (613) 991-3961;
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IC/R-6-L

Radio Standards Specifications - Standards

Radio standards specifications set methods of measurement and limits for the technical characteristics of radio apparatus. Under the regulatory reform resulting from the proclamation of the *Radiocommunication Act*, any radio equipment intended for use in Canada must comply with these standards. While the requirement for compliance with such standards is not new, the reference to these standards in the *Radiocommunication Regulations* is new. As such, the radio standards specifications are being rewritten to incorporate structural and administrative requirements necessitated by the new regulatory structure. No basic technical changes to the standards are proposed at this time.

Most radio equipment currently manufactured in or imported into Canada already complies with the current radio standards specifications. This will continue to be the case once the standards are referenced in the *Radiocommunication Regulations* and form part of these regulations. The economic impact of these revisions, if any, will be minimal. In any event, the affected industries are an integral part of the development team for the radio standards specifications and will be consulted throughout the revision process.

The alternative to mandatory standards is voluntary observance of measurement methods and of limits for technical characteristics for radio apparatus by the manufacturers. Because of the adversarial interests of the providers of the equipment and the users of the radio spectrum, this approach is, demonstrably, unworkable.

Legal authority: *Radiocommunication Act*, section 5

Contact: Kwai Lum, Manager, Radio Equipment Standards, Spectrum Engineering, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

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Radiocommunication and Broadcasting Regulatory Branch

IC/96-7-I

Ticket Offenses

The Spectrum Management Program has a progressive enforcement policy for contraventions of its regulations, encouraging parties to such contraventions to comply voluntarily with regulations. The usual process consists of client education, followed by verbal and/or written warnings if necessary and, finally, prosecution.

As a way to obtain compliance, prosecution is an expensive method, both for the party charged and for the department. As an alternative to prosecution and to minimize this burden, the department has decided to identify a number of prohibitions, described in the *Radiocommunication Act* and the *Radiocommunication Regulations*, and to prescribe fines for offenses against those prohibitions. Both the prohibitions and the fines will be identified in regulations so that the department can issue tickets for contraventions of those prohibitions. Implementation costs will be minimal.

This initiative has been planned for some time and mentioned to various associations over the past few years. There is no anticipated effect on the general public since prohibitions already exist. Consultations with the radiocommunication industry on the possibility of introducing ticketable offenses have taken place as part of the reform of the *Radiocommunication Regulations*.

Maintaining the status quo is not feasible as the enforcement process is not gradual enough. Fines will be an additional stage in the process that currently includes client education, the issuance of both verbal and written warnings, and prosecution.

This initiative will help the department manage the radio frequency spectrum by providing a cost-effective enforcement tool and will also reduce the department's reliance on an already overburdened justice system.

Legal authority: *Radiocommunication Act*, section 12

Contact: Terry Rudeen, Chief, Spectrum Control, Spectrum Management Operations Directorate, Radiocommunications and Broadcast Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4745;

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IC/97-3-I

Non-Broadcast Radio Licensing Fee Reform

Industry Canada recognizes that the current radio licence fee structure for non-broadcast spectrum, which is based strictly on radio apparatus, lacks the flexibility to deal quickly and easily with a large variety of innovations in radiocommunications. An objective of the department is to have a new licence fee structure for non-broadcast spectrum that is simple, flexible and fair for all applicants.

Accordingly, the department developed a conceptual model in which radio licence fees are calculated on the amount of spectrum used and the relative scarcity of spectrum in an area. Specifically, the use of a computer-generated, geographically based spectrum grid allows the fee for each radio system to be determined according to the system's spectrum consumption and the scarcity of spectrum in that location.

This initiative may have an intermediate economic impact on some radio licensees whose radio licence fees may increase. However, the department will seek to ease any economic impact the new fee model will have on licensees through ongoing consultation with the public and radiocommunication industry, by further refining the model and by staging its implementation.

The status quo as an alternative is outdated since new technology has dictated the need for these changes. Amendments to the *Radiocommunication Regulations* will be made accordingly. Legislation requires regulation for charging fees for radio licences. The nature of this initiative does not allow for self-regulation.

Legal authority: *Radiocommunication Act*, section 6

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Telecommunications Policy Branch

IC/97-4-L

International Submarine Cable Licences (Fees)

The *External Submarine Cable Regulations*, promulgated under the old *Telegraphs Act*, are currently undergoing a review in two phases. Phase I is to be completed by the end of 1996, and will update and harmonize the content of these regulations with the *Telecommunications Act*, which came into force on October 25, 1993, revoking the *Telegraphs Act*. The revised regulations will be renamed *International Submarine Cable Regulations*. Phase II, the subject of this initiative, will review the fee charged for international submarine cable licences.

After much consideration, the department decided to introduce fee amendments as part of a separate regulatory initiative (Phase II) because radio licence fees being charged by the department are currently undergoing a comprehensive review and similar considerations will apply to submarine cable licence fees. Furthermore, it was felt that Phase II would provide the department with additional opportunity to consult with stakeholders from the telecommunications industry on the proposed fee modifications.

This initiative is expected to have a minor economic impact on telecommunications carriers and end users. Legislation requires regulation for charging fees for international submarine cable licences. The nature of this initiative does not allow for self-regulation.

The draft fees regulations are to be discussed with the stakeholders from the telecommunications industry.

Legal authority: *Telecommunications Act*, section 22(2)

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Canadian Intellectual Property Office

IC/94-6-I

Copyright - Regulations and Fees (Revision)

It is necessary to review current fees and include new fees for copyright registration services. Such fee adjustments will allow the recovery of costs for services for the registration of rights and assignments under the *Copyright Act*. The revision of the regulations will clarify certain sections and eliminate others.

There is no alternative to regulation, as this revision is necessary to clarify or eliminate existing rules as a result of international agreements. The revision of the application form prescribed for applying for registration of a copyright is necessary to facilitate the administration of the registry system. The increase in fees is reasonable and is not expected to create an undue cost burden on applicants; current volumes of applications should not be affected. A draft text of the regulation is being developed jointly by Canadian Intellectual Property Office (CIPO) and the departmental Legal Services Unit for review by the Regulations Section - Justice. Consultation with CIPO's clients in these areas is ongoing.

Legal authority: *Copyright Act*, section 59

Contact: Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1657; Fax: (819) 953-6977; Internet: steingarten.linda@ic.gc.ca

IC/94-7-I

Industrial Design - Regulations and Fees (Revision)

Access to a revolving fund will make Canadian Intellectual Property Office (CIPO), as a special operating agency, a visibly accountable for financing cash flow, revenues and the full costs of its operations. To improve the operations' level of service and to be self-financing, it is necessary to review current fees and include new fees to recover the costs of processing the public's applications and assignments for industrial designs. Mainly as a result of the *North American Free Trade Agreement Implementation Act*, a revision of the regulations is

needed to eliminate an overlap in the regulation-making powers of the Governor in Council and the Minister. The revision of the regulations will also clarify certain sections that were recently amended.

There is no alternative to regulation, as this revision is necessary to clarify the existing regulations.

The increase in fees is reasonable and is not expected to create an undue cost burden on applicants; current volumes of applications should not be affected. Consultation with CIPO's clients in this area is ongoing. The number and complexity of the issues have made it difficult to reach consensus. However, there has been progress and a draft text of the regulations has been prepared for review by the Regulations Section - Justice.

Legal authority: *Industrial Design Act*, section 25

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IC/97-5-L

Trade-marks - Opposition Process

The trade-mark opposition process provides an opportunity for objections to be raised to a trade-mark before it is registered by the Trade-marks Office. Trade-marks are published in the *Trade-marks Journal* before they are registered to allow anyone with a valid basis for objecting to the registration of a mark to do so. Opposition is a complex adversarial process. Over the past few years, many users of the opposition process have told CIPO that the procedures have become too complicated, too lengthy and too expensive. CIPO is planning amendments to the opposition procedure set out in the *Trade-marks Regulations* (1996) in an effort to streamline the process. Currently, an opposition proceeding takes 24 months, from the date of publication in the *Trade-marks Journal* until the case is ready for decision. It is expected that the proposed amendments, together with other minor considerations, would reduce this time period to 12 months.

The amendments would include setting the period for filing a counter-statement at two months after a copy of the statement of opposition has been forwarded (the period is currently one month), and adopting a strict practice of granting extensions of time only in exceptional circumstances; allowing

simultaneous filing of evidence instead of the current sequential approach; allowing affidavits and statutory declarations to be based on information and belief; providing for orders for cross-examination to be made only in exceptional circumstances; and allowing oral hearings only when the Registrar is satisfied there are exceptional circumstances, rather than in most cases, as is the current practice.

The intent of the proposed amendments is to reduce both monetary costs and uncertainty for CIPO's clients. Monetary costs will be reduced for users of the process since decreasing the number of oral hearings will save time and travel cost for the parties involved. Speedy resolution of trademark disputes will help reduce uncertainty in the marketplace regarding who is entitled to use a particular mark.

The above information is currently the basis upon which consultations are being held with CIPO's clients.

Legal authority: *Trade-marks Act*, section 38

Contact: Gary Partington, Chair, Trade-mark Opposition Board, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 4th Floor, 50 Victoria Street, Hull Quebec, K1A 0C9. Tel.: (819) 994-4794, Fax: (819) 953-5854; Internet: partington.gary@ic.gc.ca

Consumer Products Directorate

IC/97-6-L

Consumer Packaging and Labelling Regulations - Establishment of a Sunset Date to Repeal Section 36, Standardized Container Sizes for Wine, Peanut Butter and Refined Sugar Syrups

During the 1970s, standardized container sizes were introduced under the *Consumer Packaging and Labelling Regulations* for 14 product classes because consumers were being confused by the proliferation of container sizes during the switch to the metric system.

Consultations carried out as part of the 1992 Regulatory Review concluded that these requirements could be revoked because marketplace forces are more effective in limiting the number of container sizes. This view is supported by the lack of proliferation of sizes for the hundreds of product classes that are not regulated. The requirements also now serve as a form of non-tariff barrier.

An amendment was published in the *Canada Gazette* Part II on June 12, 1996, immediately revoking the standardized size requirements for personal care items, powdered laundry detergents and biscuits / cookies, and setting a sunset date for facial tissue sizes of December 31, 1996 (IC/94-14-L in the 1996 *Federal Regulatory Plan*). Further consultations with consumers, manufacturers and retailers, and study, using the Business Impact Test (BIT), are planned for the remaining three product classes – wine, peanut butter and refined sugar syrups – to determine the most appropriate sunset date.

Amending the regulations is the only viable alternative for making these changes.

The benefit of this amendment is to give industry more flexibility in packaging, which may help it market its products and meet environmental waste reduction objectives. Revoking these regulations will also remove a barrier to trade.

Legal authority: *Consumer Packaging and Labelling Act*, section 18

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Corporations Directorate

CCAC/93-13-L

Canada Business Corporations Act - Fees - Certificate of Compliance

This amendment would modify the fee structure applicable to certificates of compliance issued by the director appointed under the *Canada Business Corporations Act*. Schedule II of the *Canada Business Corporations Regulations* now provides for the payment of a \$10 fee for the issuing a certificate of compliance. This certificate cannot be issued if the corporation is not in good standing. In such cases, fees must be refunded even though the research work has already been done. It is proposed that the fee for issuing a certificate of compliance be revoked and replaced with a non-refundable fee for examining the corporation's file pursuant to a request for a certificate of compliance. This amendment to the fee for certificate of compliance will significantly reduce the number of refunds processed.

Consultations have taken place with industry associations, legal representatives of corporations

and other interested parties. No opposition has been expressed to the proposal. These consultees have been informed that an exemption from prepublication in Part I of the *Canada Gazette* has been requested.

The department will not examine applications from parties who do not pay the fee.

This initiative was once previously included in the 1995 *Federal Regulatory Plan* as number IC/94-18-L.

Legal authority: *Canada Business Corporations Act*, paragraphs 261(1)(b) and 263(2); *Canada Business Corporations Regulations*, subsection 2(I), Schedule II. A subsection to Schedule II of the *Canada Business Corporations Regulations* must be added.

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IC/94-18-L

Canada Business Corporations Act - Fees - Application for Exemption Regarding Insider Reports

This amendment would allow the director appointed under the *Canada Business Corporations Act* (CBCA) to collect a fee to recover the cost of examining applications for exemption from the statutory requirement to file reports of insider trading in the shares or debt obligations of a CBCA corporation. This exemption is pursuant to subsection 127(8) of the CBCA.

The alternative is to maintain the status quo, which is not acceptable given current fiscal pressures and the government's policy on cost recovery. The Act already allows insiders, usually corporations on behalf of insiders, to apply for an exemption but the government does not currently recover any cost for this service. The addition of prescribed fees will result in an additional cost for corporations or their insiders. However, corporations save time and expense once exempted from filing insider reports. Provincial securities legislation that provides this type of exemption currently has filing fees.

Consultations have taken place with industry associations, legal representatives of insiders and other interested parties. No opposition has been expressed to the proposal. These consultees have been informed that an exemption from

prepublication in Part I of the *Canada Gazette* has been requested.

Legal authority: *Canada Business Corporations Act*, subsection 127(8), paragraph 261(1)(b); *Canada Business Corporations Regulations*, subsection 2(I), Schedule II. A subsection to Schedule II of the *Canada Business Corporations Regulations* must be added.

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IC/96-10-L

Canada Business Corporations Act - Electronic Filing

Following amendments to the *Canada Business Corporations Act* (CBCA), which received Royal Assent on June 23, 1994, it is proposed to make consequential amendments to the Regulations concerning electronic filing of documents that are presently filed in hard copy.

This will enable clients to incorporate more quickly and will permit more efficient access to the services of the Directorate through electronic means.

There will be no additional costs to clients, as the use of electronic means is an alternative, and traditional methods of filing are still available.

No alternative to regulation is available because subsections 258.1 and 262.1 of the Act require regulations to implement electronic filing. In addition, these CBCA sections will only come into force once the necessary regulations have been proclaimed.

Consultation with potential users of electronic filing services is currently taking place in the form of a pilot project being conducted with a sample of users. The Directorate is at the preliminary stages of the process of developing the regulations.

Legal authority: *Canada Business Corporations Act*, sections 258.1 (not in force yet), 261(1)(c) and (c.1)

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IC/96-11-L

Canada Business Corporations Act - Exemption from Filing

Following amendments to the *Canada Business Corporations Act* (CBCA), which received Royal Assent on June 23, 1994, it is proposed to make substantive consequential amendments to the Regulations. These regulations will relieve parties of the need to send specified notices or documents to the Directorate that contain information similar to that contained in notices or documents required to be made public under other federal or provincial laws.

No alternative to regulation is available because subsections 258.1 and 262.1 of the Act require prescribed regulations. In addition, these CBCA sections will only come into force once the necessary regulations have been proclaimed.

In developing the content of the regulations, primary consideration was given to the principles underlying the amendments to the CBCA which included section 258.2. These principles are:

- to enhance the competitiveness of Canadian businesses through simplified filing and record-keeping requirements and certain corporate governance procedures;
- to improve the Corporations Directorate's service to federal corporations by facilitating compliance with various reporting regimes; and
- to enhance the overall effectiveness of the CBCA.

There is no added cost to businesses that wish to rely on the exemption order, as there are no fees or applications required. Business will benefit by not having to send duplicates of the same notice to a different regulatory authority. However, clients seeking information concerning CBCA corporations will no longer be able to obtain from the Directorate copies of the documents that are the subject of an exemption order. Clients will be required to obtain these documents from another regulatory authority. Consultation has taken place with industry associations, legal representatives of corporations and other interested parties. No expressed opposition has been expressed to the proposal.

Legal authority: *Canada Business Corporations Act*, sections 258.2 (not in force yet), 261(1)(c) and (c.1)

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IC/96-12-L

Canada Business Corporations Act - Constrained Shares

It is proposed to amend subsection 57(2) of the *Canada Business Corporations Regulations* to add the *Radiocommunication Act* and any regulations made thereunder to the list of laws of Canada or a province prescribed in this subsection. This amendment will enable distributing corporations in radiocommunication incorporated under the *Canada Business Corporations Act* (CBCA) to constrain the transfer of their shares to attain or maintain a specified level of Canadian ownership or control, with a view to qualifying for radio authorization under the *Radiocommunication Act* or its regulations.

An alternative to this proposal would be to introduce regulations under the radiocommunication legislation that would provide for constrained shares, similar to regulations recently enacted under the *Telecommunication Act*.

The *Radiocommunication Act* has no regulations concerning constrained shares. A benefit of this regulatory amendment would be increased competition within the Canadian radiocommunication industry. The costs of this increased competition would be borne by companies that who are already in the industry.

Consultation has taken place with industry associations, their legal representatives and other interested parties. As a result, this proposal is under review and reorientation.

It is also proposed to amend section 55.1 of the *Canada Business Corporations Regulations* to ensure that shareholders of a CBCA corporation selling shares to comply with loan, trust or insurance corporation legislation will receive the same disclosure that is now imposed on corporations selling shares to qualify under the *Canada Petroleum Resources Act* and the *Petroleum Incentives Act*.

A benefit of this regulatory amendment would be increased competition within the Canadian radiocommunication industry. The costs would be borne by companies that are already in the industry. Consultation has taken place with industry associations, legal representatives of corporations and other interested parties. As a result, this proposal is under review and reorientation.

Legal authority: *Canada Business Corporations Act*, sections 174, 261(1)(a); *Canada Business Corporations Regulations*, section 55.1 and 57

Contact: Guylaine Huot, Senior Compliance Officer, Compliance Branch, Corporations Directorate, Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781; Internet: huot.guylaine@ic.gc.ca

IC/96-13-L

Canada Business Corporations Act - Insider Trading, Proxy and Proxy Solicitation, Financial Disclosure and Take-Over Bids

It is proposed to amend parts III, IV, V and VIII of the *Canada Business Corporations Regulations*, which concern insider trading, proxies and proxy solicitation, financial disclosure and take-over bids respectively.

There will be more than 60 proposed amendments. They are technical in nature and non-controversial.

The proposed amendments will principally eliminate unduly burdensome requirements, harmonize the Regulations with applicable concurrent provincial securities legislation, and generally improve the level of disclosure required in these areas. It is proposed to eliminate items of disclosure that are not in provincial regulations and that do not appear to be of material interest to shareholders. It is also proposed to adopt more consistent wording, where warranted, as well as to require additional items of disclosure of material interest that are currently in provincial legislation but are missing in the Regulations.

Furthermore, special consideration has been given to ensuring that certain disclosure items do not extend to private companies when they are of material interest only to shareholders of a public company.

Because of these regulatory amendments, some CBCA corporations may need to amend their disclosure procedures to comply with the modified requirements. However, since most affected corporations already prepare the required information for at least one other regulator, any costs will be minimized through harmonization.

These revisions to the Regulations do not impose any additional enforcement costs.

The alternative of maintaining the status quo is not satisfactory because complying with differing

regulations is costly for CBCA corporations and does not provide commensurate benefits for investors in these corporations. The status quo is also not acceptable when it requires disclosure of information that is no longer useful or of material interest to shareholders.

Consultation has taken place with industry associations, legal representatives of corporations and other interested parties. The Directorate has received several comments, many of which were incorporated in the draft regulations.

Legal authority: *Canada Business Corporations Act*, sections 127, 149, 150(1), 155, 194, 198, 200, 201, 206, 261; *Canada Business Corporations Regulations*, sections 29, 47, 58 to 73

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Legal Metrology Branch

IC/95-31-L

Weights and Measures Regulations (Minor and Technical)

Amendments to the *Weights and Measures Regulations* are necessary to revoke or revise outdated regulations, acknowledge current administrative practices, recognize advances in device technology and measurement methodologies, address industry concerns and reduce barriers to trade.

These amendments are minor in nature and their impact will be negligible. They will, however, facilitate the overall administration of the Regulations and ensure the maintenance of measurement standards and equity in trade based on measurement. Business and industry will benefit from improved standards that revoke outdated requirements, promote innovative measurement methodologies, and remove technical barriers and impediments to the introduction of new technology.

No consultation other than prepublication in the *Canada Gazette*, Part I is planned.

These amendments can be adequately enforced through existing compliance mechanisms and no additional cost is anticipated.

Legal authority: *Weights and Measures Act*

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IC/95-32-L

Weights and Measures Regulations - Harmonization of Technical Standards

As part of the essential work necessitated by the Free Trade Agreement, the governments of Canada and the United States have agreed to eliminate technical trade barriers.

Proposed revised technical standards will establish more uniform requirements for weighing devices based on international standards. Requirements will be less prescriptive (performance, rather than design, standards) and will reduce barriers that inhibit Canadian competitiveness with our major trading partners.

The introduction of these revised technical standards will require the revision and revocation of some of the *Weights and Measures Regulations*. The cost of implementing amendments to the Regulations will be minimal.

Affected parties will be contacted as part of the consultation for the specifications for non-automatic weighing devices, and during prepublication of the proposed amendments in the *Canada Gazette*, Part I.

There are no alternatives to this initiative except maintaining the status quo. However, that will not address Canada's commitment under the NAFTA agreement to eliminate technical trade barriers.

Legal authority: *Weights and Measures Act*

Contact: Julian G. Emanuel, Senior Program Officer, Policy Directorate, Legal Metrology Branch, Industry Canada, 110 O'Connor Street, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-4103; Fax: (613) 952-1736; Internet: emanuel.julian@ic.gc.ca

IC/95-35-I

Weights and Measures - Specifications for Non-automatic Weighing Devices

As part of the essential work necessitated by the Free Trade Agreement, the governments of Canada and the United States have agreed to eliminate technical trade barriers.

The proposed revised technical standards will establish more uniform requirements for weighing

devices based on international standards and those of the United States. There will be some cost associated with implementing these requirements. However, device manufacturers, dealers, importers and users will benefit from less prescriptive requirements and from a reduction in the barriers that inhibit Canadian competitiveness with our major trading partners. Consumers will benefit from "state-of-the-art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications were developed in conjunction with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures. Three meetings have been held with Canadian device manufacturers, importers and users of weighing devices to discuss the scope and focus of the initiative in general and the proposed specifications in particular. Extensive consultation with affected parties will continue.

The specifications can be adequately enforced through existing compliance mechanisms that include device type evaluation and approval; inspection of devices before trade use commences, and periodically thereafter, to ensure that devices measure accurately and are not used fraudulently; and increasingly severe enforcement action to achieve compliance; including formal notification, device seizure and detention, and prosecution if necessary and where justified.

Industry is in agreement with the proposed specification.

Legal authority: *Weights and Measures Regulations*, sections 13 and 27

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IC/97-7-L

Electricity and Gas Inspection Regulations (Technical)

Amendments to the *Electricity and Gas Inspection Regulations* are necessary to correct technical inconsistencies, to amend procedural requirements and to address industry concerns. This proposal will correct the deficiencies and will make it easier to implement and administer the legislation effectively and efficiently. This initiative is linked to CCAC/89-

206-L, which appeared in the 1996 *Federal Regulatory Plan*. Most of the proposed amendments in that initiative were promulgated in a miscellaneous amendments regulation in 1995. The remaining portions form part of this initiative. Amendments that correct technical inconsistencies and change procedural requirements in general should not result in any adverse impact or cost to the government or industry. These amendments will not increase the department's costs significantly and should result in reduced costs to industry.

There are no alternatives to this initiative except maintaining the status quo, which is undesirable since it will only result in the continued use of ineffective and inefficient regulations.

The electricity and gas industry associations have been advised of the proposed changes. The public at large will be informed by publication in the *Canada Gazette*.

Legal authority: *Electricity and Gas Inspection Act*, section 28

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Competition Bureau

IC/96-16-L

Competition Act (Cost Recovery)

The Competition Bureau proposes to begin recovering costs for the following activities:

- prenotification filings under section 114 of the *Competition Act*;
- advance ruling certificates under section 102 of the *Act*;
- photocopies of documents seized in the course of an investigation of the *Act*;
- reproduction of transcripts, where possible, resulting from an investigation under the *Act*;
- advisory opinion requests made in writing to the Director under the Program of Compliance; and
- maintenance of mailing lists and the mailing of certain information products.

Recovering costs for these items will promote a more business-like approach to improving service and quality.

These are new fees and represent added costs to those persons affected by the *Act*. However, it is

expected that a fair and transparent fee structure will generate an acceptable response to this initiative.

The alternative is to maintain the status quo of not charging for Bureau services. However, this is unacceptable given current fiscal pressures and the government's policy on cost recovery.

The department will consult with associations, businesses and members of the legal communities that would be affected by the proposal. These fees will generate approximately \$2.5 million annually.

Legal authority: *Industry Canada Act*, sections 18, 19 and 20

Contact: John K. Barker, A/Director General, Compliance and Operations Branch, Competition Bureau, Industry Canada, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9.
Tel.: (819) 953-7942; Fax: (819) 953-5013;
Internet: barker.john@bcpc.gc.ca

IC/97-8-L

Competition Act - Notifiable Transactions Regulations

The notifiable transaction provisions of the *Competition Act* require that parties proposing certain transactions, which exceed prescribed thresholds, notify and provide specified information to the Director before completing these transactions. This information is set out under sections 121 and 122 of the Act.

As a result of amendments to the *Competition Act*, the information parties must file will be set out in regulations rather than in the Act and will be updated. Asset securitizations and related types of transactions will be exempted from the obligation to notify. Finally, amendments to the Regulations will address any ambiguities or omissions in the existing regulations.

The intent of the amendments is to enable business people to easily determine whether they meet the thresholds, whether they have to notify and what information they are required to provide. These amendments will minimize business compliance costs under the *Competition Act* by improving the relevance of the information provided, by reducing the regulatory burden related to transactions that raise no competition issues, and by reducing difficulties in interpreting the requirements for valuation of assets or shares. There is no viable alternative to regulations and the absence of

regulations would create uncertainty in the law and reduce its effectiveness.

These proposed changes to the Regulations have been the subject of consultation with associations, businesses, and members of the legal, law enforcement and academic communities that would be affected by the proposed amendments. Prepublication of the amended regulations in Part I of the *Canada Gazette* will give stakeholders another chance to comment on the proposed amendments.

Legal authority: *Competition Act*, section 124

Contact: Harry Chandler, Head, Amendments Unit, Competition Bureau, Industry Canada, Place du Portage, Phase I, 22nd floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-7669;
Fax: (819) 997-6815;
Internet: chandler.harry@bcpc.gc.ca

Investment Review Division

IC/97-9-L

Investment Canada Act - "Transportation Services"

It is proposed to introduce an amendment to the *Investment Canada Regulations* to define the expression "transportation services."

This will help investors ascertain whether the business they are contemplating establishing or acquiring is a transportation service, and whether they benefit from a higher review threshold leading to a notification of an investment rather than an application for review.

There will be no additional costs to investors. No alternative to regulation is available as paragraph 14.1(5)(b) of the Act refers to regulations as the means of defining "transportation services."

Consultation with counsels of investors familiar with the Act will be taking place. The department is at the preliminary stages of developing the proposed amendment.

Legal authority: *Investment Canada Act*, paragraph 14.1(5)(b) and subsection 35

Contact: Peter Caskey, Deputy Director of Investments, Investment Review Division, Industry Canada, 5th Floor East, 235 Queen, Ottawa, Ontario, K1A 0H5. Tel.: (613) 954-1887; Fax: (613) 996-2515 ;
Internet: caskey.peter@ic.gc.ca

Future initiatives

Intellectual Property (Fee Changes)

As a special operating agency (SOA), the Canadian Intellectual Property Office (CIPO) has been provided with a flexible financial management arrangement in the form of a revolving fund. Over the next three years, CIPO may need to revise existing fee structures to ensure that

- the financing of activities that benefit specific users is provided by those who benefit;
- the obligation to operate the revolving fund on a break-even basis is respected; and
- any costs associated with providing improved service to clients are recovered.

CIPO is responsible for the fees found within the *Copyright Act*, *Industrial Design Act*, *Integrated Circuit Topography Act*, *Patent Act* and *Trade-marks Act*.

The major groups representing CIPO's clients will be fully consulted throughout any fee change initiative.

Classification: Intermediate-cost initiative

Contact: Brenda Snarr, Director, Finance and Administration, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 15th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-3024; Fax: (819) 997-1890; Internet: snarr.brenda@ic.gc.ca

Canada Business Corporations Act - Expedited Service Fees

In recent years, Corporations Directorate clients have expressed a desire for faster service in some instances and their willingness to pay a premium fee for this expedited service. These amendments to the *Canada Business Corporation Regulations* would be designed to meet that need. This higher level of service, and the direct cost attribution program, has already been implemented in several provincial and international jurisdictions.

The benefit of implementing an expedited service fee system is that it will allow the government the flexibility to deliver a level of service appropriate to each client. Full consultation with clients will be required, although the method of implementation has not yet been determined.

Classification: Low-cost initiative

Contact: Guylaine Huot, Senior Compliance Officer, Compliance Branch, Corporations Directorate,

Industry Canada, 9th Floor, Journal Tower South, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781; Internet: huot.guylaine@ic.gc.ca

Weights and Measures Regulations - Diamonds and Gemstones

The *Weights and Measures Act* requires that commodities that are sold on the basis of measurement be measured accurately within limits of error prescribed by the *Weights and Measures Regulations*. The Regulations do not prescribe limits of error for the measurement of diamonds and gemstones nor for the devices used to weigh or measure these commodities, although they do set such limits for measuring precious metals such as gold and silver.

The proposed amendments to the Regulations will establish minimum standards for the measurement of diamonds, gemstones and other commodities of comparable value. In collaboration with the Jewellers Vigilance Association of Canada, the Legal Metrology Branch is working to identify current industry practices and to establish minimum standards for the measurement of these types of commodities. Further consultation with clients directly affected by proposed amendments to the Regulations is planned.

The cost of implementation will be minimal. Having considered all alternatives, including maintaining the status quo and industry self-regulation, the department believes the proposed regulation is the most appropriate means of proceeding. Consumers will benefit from minimum standards of accuracy when they purchase diamonds and gemstones. Businesses will benefit as these standards will provide a "level playing field" in a competitive marketplace.

Classification: Low-cost initiative

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Weights and Measures - Specifications for Metrological Audit Trails

The *Weights and Measures Act* and associated regulations require that provision must be made so that physical seals may be attached to a device to

ensure that no alteration, adjustment or repair can be made without breaking the seal. In recent years, device manufacturers and users have requested alternatives to a physical seal as a means of securing a device against unauthorized adjustments or fraudulent use.

The proposed specifications for metrological audit trails will provide alternatives to a physical seal.

The specifications were developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures with the aim of establishing uniform standards. In the United States, consultation with device manufacturers and industry associations is complete. Consultation with Canadian device manufacturers and industry associations was conducted throughout 1994.

The cost of implementing this regulation will be minimal. For many device manufacturers, the cost associated with implementing this specification will be minor. Many are already incorporating this technology, either as a marketing feature or to satisfy requirements in other metrological jurisdictions. Device manufacturers and owners will benefit from alternative sealing requirements for devices. Consumers will benefit from "state-of-the-art" measurement technology and from an acceptable level of measurement accuracy.

The only alternative to this regulation would be maintaining the status quo. That is undesirable as it suppresses the use of "state-of-the-art" measurement technology while promoting the continued use of obsolete and inefficient methods.

Classification: Low-cost initiative

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Weights and Measures Regulations - Load Cell Standards

The Legal Metrology Branch is responsible for promoting equity among businesses in transactions involving measurement. One of the means used to fulfil this mandate is the verification and approval of commercial weighing and measuring instruments in light of recognized technical standards.

Small-capacity units are assessed and tested fully for approval by the Legal Metrology Branch to ensure

that they meet all Canadian standards, unlike medium- and large-capacity weighing units which, because of their size, can be tested only partially on site once they have been installed. The alternative is to verify and test completely, in the laboratory, the main components of medium- and large-capacity instruments, such as the load cells, and to approve them separately. This is the method used in other industrialized countries.

Adopting standards for load cells will allow the Legal Metrology Branch to further harmonize Canadian requirements and procedures for weights and measures with international ones, particularly those of the United States, and will make it possible to set up a more extensive testing and assessment program for medium- and large-capacity units. These technical standards will be developed in co-operation with Canadian manufacturers of load cells and weighing devices, the various associations of weighing device users and other stakeholders.

Certain costs will be involved in adopting standards and setting up a program to test load cells. However, approval of load cells by the Legal Metrology Branch in accordance with recognized standards will help to create a more equitable and more competitive business environment for all manufacturers. Approval of load cells should also enable Canadian manufacturers to become more competitive and to gain easier access to international markets, particularly the United States. The standards will also benefit the users of weighing units and the Canadian public at large, since units with tested cells will be more accurate and more reliable.

Classification: Intermediate-cost initiative

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Weights and Measures - Specifications for Electromagnetic Compatibility

The *Weights and Measures Act* and associated regulations provide standards for maintaining the measurement accuracy of meters used in trade when measurement forms the basis of the transaction. Most electronics-based measuring devices are susceptible to electromagnetic interference.

Consideration is being given to establishing specifications for the performance of measuring

devices when these devices are exposed to electromagnetic fields during use.

The scope, direction and associated costs of this initiative have not yet been fully determined. Before proceeding with this initiative, the Legal Metrology Branch will embark on a round of consultation with the industry to establish the initiative's.

Classification: Intermediate-cost initiative

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Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products

The *Weights and Measures Act* and associated regulations provide standards of measurement accuracy for liquid meters used in commercial transactions when measurement forms the basis of the transaction. Automatic temperature compensators (ATCs) compensate for the volume of product lost or gained when product is measured at any temperature other than 15°C. Proposed amendments to the *Weights and Measures Regulations* will require, that throughout each establishment, dealers sell petroleum products either compensated or uncompensated throughout the year.

Major marketers of petroleum products have been advised of the Legal Metrology Branch's intent to amend the Regulations, and preliminary consultation has begun. Consultation with affected parties will continue throughout the development of these amendments. Cost of implementation is minimal. Consumers will benefit from the assurance that ATCs are used fairly and consistently. Businesses will benefit from the establishment of a "level playing field" in a competitive marketplace.

The alternative to creating this new regulation is to maintain the status quo. However, this is undesirable as it will result in continued and increasingly unfair measurement practices.

Classification: Low-cost initiative

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Weights and Measures - Specifications for Mass Flow Meters

The *Weights and Measures Act* and associated regulations provide standards for maintaining measurement accuracy of meters used in commercial transactions when measurement forms the basis of the transaction.

The introduction of these specifications will recognize advances in device technology and measurement methodologies. Proposed requirements are being developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures. They are being designed to maintain measurement standards and equity in trade based on measurement and to minimize fraudulent use.

The number of mass flow meter manufacturers is relatively small. There are no known Canadian manufacturers of these devices. Affected parties will be consulted extensively and, if necessary, focus groups will be held to explain the purpose of, and rationale for, these specifications.

There will be some costs associated with implementing these specifications. However, device manufacturers and owners will benefit from standardized requirements for mass flow meters that are written in accordance with internationally established standards. Consumers will benefit from "state-of-the-art" measurement technology and an acceptable level of measurement accuracy.

Having considered all alternatives, the department believes that regulation is the only appropriate means of proceeding.

Classification: Low-cost initiative

Contact: Julian G. Emanuel, Senior Program Officer, Policy Directorate, Legal Metrology Branch, Industry Canada, 110 O'Connor Street, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-4103; Fax: (613) 952-1736; Internet: emanuel.julian@ic.gc.ca

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General information

Roles and responsibilities

Justice Canada was established by an Act of Parliament in 1868. Its roles and responsibilities reflect the fact that under the *Department of Justice Act*, the Minister of Justice is also the Attorney General of Canada.

The Attorney General of Canada advises the government "on all matters of law." Consequently, Justice Canada provides legal services to all government departments, including the provision of legal advice, the preparation of legal documents and the drafting of legislation. Some specialized legal services are provided by other organizations such as the Legal Affairs Bureau of Foreign Affairs and International Trade Canada, the Judge Advocate General of the Department of National Defence and the Bureau of Pensions Advocates under the Minister of Veterans Affairs.

The Attorney General of Canada is responsible for litigation involving government departments, departmental corporations and certain Crown corporations and agencies of Her Majesty in right of Canada.

The Minister of Justice is the official legal advisor of the Governor General and the legal member of the Queen's Privy Council for Canada, and must see that the administration of public affairs is in accordance with the law. On behalf of the Minister, the Department examines all bills introduced by ministers in the House of Commons to ascertain whether their provisions are consistent with the *Canadian Bill of Rights* or the *Canadian Charter of Rights and Freedoms*. The Legislative Services Branch examines most proposed regulations under the *Statutory Instruments Act* according to criteria set out in that act.

The Minister of Justice superintends all matters connected with the administration of justice in Canada that are within federal jurisdiction and is also responsible for carrying out other duties assigned by the Governor in Council. Accordingly, Justice Canada plans, develops and implements government policies in such areas as criminal law, family law, extradition, access to information, and privacy and human rights.

Legislative mandate

The Minister of Justice is responsible for all or part of the following legislation:

- Access to Information Act
- Annulment of Marriages (Ontario) Act
- Bills of Lading Act
- Canada Evidence Act
- Canada Prize Act
- Canada - United Kingdom Civil and Commercial Judgments Convention Act
- Canadian Bill of Rights
- Canadian Human Rights Act
- Canadian Laws Offshore Application Act
- Commercial Arbitration Act
- Contraventions Act
- Criminal Code
- Crown Liability and Proceedings Act
- Department of Justice Act
- Divorce Act
- Escheats Act
- Extradition Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal Court Act
- Firearms Act
- Foreign Enlistment Act
- Foreign Extraterritorial Measures Act
- Fugitive Offenders Act
- Garnishment, Attachment and Pension Diversion Act
- Identification of Criminals Act
- International Sale of Goods Contracts Convention Act
- Interpretation Act
- Law Commission of Canada Act
- Judges Act
- Marriage Act (Prohibited degrees)
- Mutual Legal Assistance in Criminal Matters Act
- Narcotic Control Act
- Official Languages Act
- Official Secrets Act
- Postal Services Interruption Relief Act
- Privacy Act
- Revised Statutes of Canada, 1985 Act
- Security Offences Act
- State Immunity Act
- Statute Revision Act
- Statutory Instruments Act
- Supreme Court Act
- Tax Court of Canada Act
- United Nations Foreign Arbitral Awards Convention Act
- Young Offenders Act

Initiatives for 1997

Jus/R-1-L

Access to Information Act and Privacy Act - Extending Coverage

The coverage of either the *Access to Information Act* and *Privacy Act*, or of both Acts, could be extended to bodies not yet subject to these acts. Newly created government institutions could also be brought under either or both Acts. Extending the coverage of the *Access to Information Act* would enhance openness and accountability because the information held by the entities brought under the Act would be subject to the right of access that the Act confers. Extending the *Privacy Act* would enhance the privacy of individuals because it would extend the provisions of the Act concerning the collection, retention, use, disclosure and disposal of personal information to the entities brought under the Act. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information about them held by the entities and to request that this information be corrected. The anticipated impact of this initiative is low.

Legal authority: *Access to Information Act*, section 3; *Privacy Act*, section 3

Contact: Lyne Letarte, Counsel, Information Law and Privacy Section, Legal Operations Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4623; Fax: (613) 941-2002.

Jus/R-3-L

Access to Information Regulations and Privacy Regulations - Schedules

The schedules to the *Access to Information Regulations* and the *Privacy Regulations* identify specific bodies, investigative bodies and classes of investigations for disclosure and exemption purposes under the *Access to Information Act* and the *Privacy Act*. These schedules may require amendment to reflect a new addition or a change in title. The anticipated impact of this initiative is minor.

Legal authority: *Privacy Act*, paragraph 8(2)(e), sections 22 and 23; *Access to Information Act*, section 16

Contact: Lyne Letarte, Counsel, Information Law and Privacy Section, Legal Operations Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4623; Fax: (613) 941-2002.

Jus/93-7-L

"Safety Zone" Around Marine Installations - Regulations

Paragraph 5(2)(b) of the *Canadian Laws Offshore Application Act* allows the Governor in Council to make regulations determining, or prescribing the method of determining, a safety zone surrounding any marine installation or structure or artificial island. Federal (and, when in force, provincial or territorial) laws will thus be extended to the safety zones as well as to the installations themselves.

Legal authority: *Canadian Laws Offshore Application Act*, paragraph 5(2)(b)

Contact: Ruth Barr, A/General Counsel, International Issues and Activities Section, Legal Operations Sector, Justice Canada, Room 612, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4954; Fax: (613) 941-1971.

Jus/92-14-L

Information Banks

The purpose of this regulatory initiative is to change the description of the information banks listed in section 3 of the existing regulations under the *Family Orders and Agreements Enforcement Assistance Act* to reflect the current description of the databanks at Human Resources Development Canada. These regulations will not add or delete information banks.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 22

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/92-15-L

Forms for Interception

This regulatory initiative is intended to revise the application form in Schedule I (section 5) of the existing regulations to ensure compatibility with the automated systems used by the provincial and territorial authorities and to reflect proposed legislative amendments to the *Family Orders and Agreements Enforcement Assistance Act*.

The changes are minor in nature and the application form will continue to reflect the requirements of

Part II of the *Family Orders and Agreements Enforcement Assistance Act*.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 61

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/93-12-L

Notice of Service of Garnishment

This regulatory initiative will clarify section 45 of the *Family Orders and Agreements Enforcement Assistance Act*, which provides that a notice should be sent to debtors where garnishable moneys are or will be paid out. This is a consequential amendment to section 9 of the regulations to provide notice to debtors of the receipt of an application for garnishment and to specify a period of 20 days within which the notice must be sent. Currently the Minister of Justice has 20 days after the date of service of the application to respond to a garnishment summons.

This initiative, which is minor in nature, will also amend Schedule II of the regulations to clarify the form letter for the debtor as a result of the consequential amendment to section 9.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 61

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/92-16-L

Forms for Tracing

This regulatory initiative is intended to revise the application form in Schedule I (section 4) of the existing regulations to ensure compatibility with the automated system used by provincial and territorial authorities.

The changes are minor in nature and the application form will continue to reflect the requirements of Part I of the *Family Orders and Agreements Enforcement Assistance Act*.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 22

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel: (613) 998-5670; Fax: (613) 998-1175.

Jus/R-13-L

Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order

These orders are required to approve various devices and instruments designed to ascertain either the presence or the concentration of alcohol in the blood of a person, and to approve various containers designed to receive a blood sample from a person for analysis. These devices, instruments and containers must be approved by the Attorney General of Canada pursuant to the *Criminal Code* for the enforcement of the impaired driving provisions.

Approval of new devices, instruments or containers will permit their use by police forces and will increase the purchase options available to police authorities for such equipment.

Legal authority: *Criminal Code*, section 254

Contact: Catherine Kane, Counsel, Criminal Law Policy Section, Policy Sector, Justice Canada, Room 716, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4690; Fax: (613) 941-4122.

Jus/94-15-L

Garnishment, Attachment and Pension Diversion Act, Part II

The schedule referred to in sections 31, 32 and 41 of the *Garnishment, Attachment and Pension Diversion Act* lists those pension benefits, and the statutes that authorize them, that are subject to diversion in order to satisfy financial support orders.

Section 14 of the schedule needs to be repealed as it refers to a pension plan that is no longer in existence and refers to pension benefits payable pursuant to a section of the *War Veterans Allowance Act* that was revoked in 1985 by the *Veterans Appeal Board Act*.

Legal authority: *Garnishment and Attachment Pension Diversion Act*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D,

Ottawa, Ontario, K1P 5W7. Tel: (613) 998-5670; Fax: (613) 998-1175.

Jus/94-16-L

Garnishment and Attachment Regulations

Section 4 of the *Garnishment and Attachment Regulations* lists the address in each province or territory where documents relating to garnishment proceedings against Her Majesty are to be served.

The addresses to which documents issued by a court in Nova Scotia, Quebec, Ontario (Toronto), Saskatchewan, Alberta, British Columbia and the Yukon Territory are to be sent, and the addresses within the House of Commons and Library of Parliament have changed. The Regulations are being amended, therefore, to substitute the new addresses.

Legal authority: *Garnishment, Attachment and Pension Diversion Act*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/94-17-I

Firearms Act

Bill C-68, *An Act Respecting Firearms and Other Weapons*, received Royal Assent on December 5, 1995. A revision of the regulations was undertaken and consultations with Aboriginal groups, the provinces and other interested parties are currently being conducted. The proposed regulations will then be tabled in the fall for parliamentary review in accordance with section 118 of the Act. The proposed regulations may include the following:

- The eligibility requirements and process that must be followed for individuals to obtain licences to possess, or to possess and acquire firearms and other regulated weapons;
- The process for issuing authorizations to transport or carry restricted or prohibited firearms, the alternate identification which may be used to purchase ammunition during the transitional period, the fees for licences, and the importation/exportation regulations;
- The Regulations dealing with storage, display and transportation of non-restricted, restricted and prohibited firearms by individuals and businesses, registration certificates, records, operation of the registry, and conditions for transfer of firearms; and

- A revision of the regulations prohibiting certain firearms and weapons.

Legal authority: *Firearms Act*, section 117 and the *Criminal Code*, Part III

Contact: Yvan Roy, Senior General Counsel, Criminal Law Policy Section, Policy Sector, Justice Canada, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4728; Fax: (613) 941-4122.

Jus/96-1-L

Divorce Act - Child Support Guidelines

On May 30, 1996 the government introduced amendments to the *Divorce Act* which would require judges to determine child support by using child support guidelines.

Child support guidelines include a mathematical formula for calculating child support. The description of the formula and details respecting its application would be implemented via the regulatory process.

Legal authority: *Divorce Act*

Contact: Murielle Brazeau, Senior Counsel, Family Children and Youth Section, Policy Sector, Justice Canada, Room 759, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 941-2334; Fax: (613) 941-4122.

Jus/97-1-I

Contraventions Regulations

The *Contraventions Regulations*, which came into force on August 1, 1996 and were made pursuant to section 8 of the *Contraventions Act*, will require several amendments to include new contraventions. These regulations designate as contraventions various federal offences and set out a short-form description and a fine for each contravention so listed.

Amendments to these regulations are necessary to reflect contraventions which will be regularly added to the list as other departments join the contraventions scheme. The department responsible for the regulations will be included in the list identifies the offences and determines the appropriate amount of the fine applicable for each contravention. The *Contraventions Act* came into force on August 1, 1996.

The exemption from prepublication is necessary since the *Contraventions Regulations* do not impose new restrictions or burdens on individuals or business as they are simply a mechanism for identifying existing federal offences that will be treated as contraventions.

Legal authority: *Contraventions Act*, S.C. 1992, chapter 47, section 8

Contact: Louise Bégin, Legal Counsel, Contraventions Act Project, Corporate Management, Civil Law and Corporate Management Sector, Justice Canada, West Memorial Building, Room 2028, 344 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: 954-6717; Fax: (613) 998-1175; E-mail: louse begin @ justice.x400.gc.ca

Jus/97-2-I

Application of Provincial Laws Regulations

The *Application of Provincial Laws Regulations* will require several amendments to make provincial laws applicable to contraventions as the Minister of Justice enters into agreements with provinces and territories. The Schedule to the Regulations identifies the laws of a province or territory that will apply to the processing of contraventions. Ontario is the first province in which the *Contraventions Act* has been implemented. The *Application of Provincial Laws Regulations* came into force on August 1, 1996.

These regulations are made pursuant to section 65.1 of the *Contraventions Act* which authorizes the making of regulations in order to make the offence scheme of a province or territory applicable (with any necessary adaptations) to contraventions designated under the *Contraventions Regulations* and committed in that province or territory.

The exemption from prepublication is necessary since the *Application of Provincial Laws Regulations* does not impose new restrictions or burdens on individuals or business as it simply identifies which provincial laws will apply to the processing of federal contraventions.

Legal authority: *Contraventions Act*, S.C. 1992, chapter 47, section 65.1

Contact: Louise Bégin, Legal Counsel, Contraventions Act Project, Corporate Management, Civil Law and Corporate Management Sector, Justice Canada, West Memorial Building, Room 2028, 344 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: 954-6717; Fax: (613) 998-1175; E-mail: louse begin @ justice.x400.gc.ca

Jus/97-3-I

Family Orders and Agreements Enforcement Assistance Act - Revenue Canada - Information Bank

This regulatory initiative will add specified information banks held by Revenue Canada to the list of information banks which can be searched for purposes of tracing individuals in default of a family provision under Part I of the *Family Orders and Agreements Enforcement Assistance Act*.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/97-4-I

Garnishment, Attachment and Pension Diversion Act - Forms and Affidavit for Garnishment

Part I of the *Garnishment, Attachment and Pension Diversion Act* will be amended to eliminate the Notice of Intent which caused a 30-day waiting period before a garnishment action could commence.

The regulation will replace the Notice of Intent with an application form and an Affidavit which provides the necessary information to commence garnishment action as soon as the documentation is received by the appropriate garnishment registry.

Legal authority: *Garnishment, Attachment and Pension Diversion Act*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/97-5-I

Family Orders and Agreements Enforcement Assistance Act - Forms and Affidavit for Licence Denial

A new Part III to the *Family Orders and Agreements Enforcement Assistance Act* will be established to allow for the denial of federally issued licences to

individuals who are in default of family support payments.

The regulation is required to obtain information and documentation required to process licence denial applications received from provincial child support enforcement programs.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/97-6-L

Central Registry of Divorce Proceedings Regulations - Forms for Divorce Registration

This regulation will make changes to the Registration of Divorce Proceedings Form used to register divorce actions for purposes of detecting duplicate divorce petitions. These changes are to simplify the completion of the form and allow for the collection of address information on divorcing parties for purposes of splitting Canada Pension Plan credits upon divorce.

Legal authority: *Central Registry of Divorce Proceedings Regulations*

Contact: Ken Duford, Director, Family Law Assistance Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/97-7-L

Regulations Act (Bill C-25) - Regulations

Bill C-25, the *Regulations Act*, was introduced by the Minister of Justice in March 1996 and in June, the bill was referred to the House Committee on Justice and Legal Affairs after second reading. Except for a few minor technical amendments, Bill C-25 is the same as Bill C-84, introduced in the First Session of the 35th Parliament, which died on the order paper when Parliament prorogued in February 1996. The bill reforms the *Statutory Instruments Act* (SIA) and renames it the *Regulations Act*. Like the SIA, the *Regulations Act* lays down the procedures for creating federal regulations, and ensuring that they are legal, enforceable and accessible to the public, and that

government departments which prepare regulations remain accountable to Parliament.

The new Act will modernize the regulatory process, allowing for publication of regulations on an electronic registry, use of electronic forms, and electronic consultation. The *Regulations Act* will clarify the law by using simpler and clearer concepts and language, and by laying down a clear and workable approach to the use of standards created by international, national and other standard-setting bodies in federal regulations. The new Act will provide an appropriate level of review depending on the legal complexity of proposed regulations, thereby allowing for efficiencies in preparing simpler, routine regulatory changes (such as amending fee structures). While streamlining the regulation-making process, the *Regulations Act* will maintain safeguards for adequate public notice and comment and Parliamentary oversight. These measures will create a simplified, more responsive and effective regulatory process that better serves the needs of government regulators, regulated sectors and the Canadian public.

Section 5 of the proposed Act provides that the Governor in Council may, by regulation, exempt regulations from the application of the regulatory process set out in sections 6-10 of the Act (section 5(1)), and extend the application of the regulatory process or any part of it to a regulation that it does not already apply to, other than a regulation exempted from its application by any Act of Parliament (section 5(2)). Section 20 provides that the Governor in Council may, by regulation, delegate to a minister any authority that the Governor in Council has to prescribe a form by regulation. Section 26 provides that the Governor in Council may make regulations respecting the regulatory process and for carrying out the purposes of the *Regulations Act*, including the specific matters listed in paragraphs (a) to (g), following.

Subsection 28(1) provides that the Governor in Council may, by regulation, exempt from the application of the regulatory process a regulation or class of regulations that was prescribed under paragraph 20(a), (b) or (c) of the *Statutory Instruments Act* as exempt from examination, registration or publication under that Act immediately before its repeal.

In consultation with regulatory departments, the Department of Justice will be preparing the necessary regulations under the proposed *Regulations Act* in order to be able to bring the legislation into force as soon as possible after Royal Assent has been given.

Legal authority: proposed *Regulations Act*, sections 5, 20, 26, 28

Contact: Oonagh Fitzgerald, Senior Counsel, Regulatory Affairs, Constitutional and Administrative Law Section, Specialized Legal Advisory Services, Legal Operations Sector, Justice Canada, Justice Building, Room 638, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4945; Fax : (613) 941-1937.

Future initiative

Access to Information Act and Privacy Act

The objective of this initiative is to amend the *Access to Information Act* and the *Privacy Act* to allow for more open government.

Classification: Intermediate-cost initiative

Contact: Judith Bellis, Counsel, Public Law Policy Sector, Policy Sector, Justice Canada, Room 204-B, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 941-2321; Fax: (613) 941-1971.

National Defence

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General information

Roles and responsibilities

The Minister of National Defence has the management and direction of the Canadian Forces and of all matters relating to national defence. The Minister is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada; and research relating to the defence of Canada and to the development of and improvements in materiel.

The Minister is also responsible for Emergency Preparedness Canada (EPC). EPC's mandate is to advance civil preparedness in Canada for all types of emergencies by facilitating and coordinating, at the federal level and in cooperation with provincial and foreign governments and international organizations, the development and implementation of civil emergency plans.

Legislative mandate

The Minister of National Defence is responsible for the administration of the following acts:

- *Aeronautics Act*, with respect to any matter relating to defence
- *Army Benevolent Act*
- *Canadian Forces Superannuation Act*
- *Defence Services Pension Continuation Act*
- *Emergencies Act*
- *Emergency Preparedness Act*

- *Garnishment, Attachment and Pension Diversion Act*, with respect to members and former members of the Canadian Forces
- *National Defence Act*
- *Pension Benefits Division Act*, with respect to members and former members of the Canadian Forces
- *Visiting Forces Act*

In addition, the Department of National Defence administers, under the general direction of the Chief Electoral Officer, the Special Voting Rules (Schedule II to the *Canada Elections Act*) as they relate to Canadian Forces electors.

Initiatives for 1997

ND/97-1-I

Namao Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport, and will have no impact on society or the economy in general.

Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Substantive changes are required to convert Namao Airport from fixed-wing-use to helicopter use.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9 CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/96-2-I

Shearwater Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and

other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport, and will have no impact on society or the economy in general.

Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9CBN), Ottawa, Ontario, K1A 0K2. Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/R-1-I

Emergency Preparedness Act - Orders in Council pursuant to Paragraphs 9(c) and 9(d)

These new orders will be promulgated as required for provincial emergencies, when provinces request the assistance of the federal government. The *Emergency Preparedness Act* requires that an order or regulation be made to declare such an emergency to be of concern to the federal government, and to authorize the provision of financial assistance. Such assistance, where authorized, will be provided in accordance with arrangements established by the Cabinet in 1970 (Disaster Financial Assistance arrangements), with funding provided through Supplementary Estimates.

Legal authority: *Emergency Preparedness Act*

Contact: J.D.W. Peters, Director General of Readiness and Operations, Emergency Preparedness Canada, National Defence Headquarters, Jackson Bldg., Ottawa, Ontario, K1A 0W6. Tel.: (613) 991-7032; Fax: (613) 996-0995.

ND/96-4-L

Canadian Forces Superannuation Regulations - Retirement

This regulatory initiative proposes to amend certain provisions of the Regulations to ensure that the pension plan established under the *Canadian Forces Superannuation Act* and its regulations conform to the requirements of the *Income Tax Act* and its Regulations concerning registered retirement savings plans.

Legal authority: *An Act to amend certain Acts in relation to pensions and to enact the Special Retirement*

Arrangements Act and the Pension Benefits Division Act; Canadian Forces Superannuation Act

Contact: Clive Horne, Staff Officer, Directorate of Compensation and Benefits, National Defence Headquarters, 101 Colonel By Drive, Ottawa, Ontario, K1A 0K2. Tel.: (613) 996-3062; Fax: (613) 996-7912.

ND/91-458-I

Comox Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport, and will have no impact on society or the economy in general.

Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9 CBN), Ottawa, Ontario, K1A 0K2. Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/91-459-I

Moose Jaw Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport, and will have no impact on society or the economy in general.

Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9 CBN), Ottawa, Ontario, K1A 0K2. Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/94-4-L

Canadian Forces Superannuation Regulations

This regulatory initiative combines the Canadian Forces Superannuation Account and the Supplementary Retirement Benefits Account into a single account, to be referred to as the Superannuation Account. These accounts were combined as a result of the passage of Bill C-55, which amended the *Canadian Forces Superannuation Act*.

These regulatory changes include provisions for the recovery of overpayment of supplementary benefits, and include other references, where appropriate, to the Canadian Forces Superannuation Account.

Legal authority: *Canadian Forces Superannuation Act*

Contact: Clive Horne, Staff Officer, Directorate of Compensation and Benefits, National Defence Headquarters, 101 Colonel By Drive, Ottawa, Ontario, K1A 0K2. Tel.: (613) 996-3062; Fax: (613) 996-7912.

Natural Resources Canada

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Regulatory approach

Natural Resources Canada (NRCan) is committed to a regulatory approach that emphasizes effectiveness and efficiency. It emphasizes the use of clear, user-friendly language and streamlined, less onerous processes.

In addition to carrying out its regulatory responsibilities, NRCan participates actively in shaping the broader regulatory agenda of the federal government. The department's objective is to develop a regulatory system that protects the public and the natural environment, while creating a positive climate for investment in Canada's natural resource sectors and contributing to their international competitiveness.

For example, the *Mining Regulatory Reform Initiative*, launched in December 1994, recognizes the importance of protecting the environment while working to achieve greater certainty, and to reduce delays and costs related to environmental and land-use decision making. By the summer of 1997, Natural Resources Canada and Treasury Board Secretariat will prepare a comprehensive report on the progress of the reform of environmental regulations affecting Canada's mining sector.

NRCan also recognizes that non-regulatory instruments complement regulations, or can be effective alternatives. For example, the voluntary approach is a cost-effective way to help Canada meet its targets for the stabilization of greenhouse gases. Under the Climate Change Voluntary Challenge, a partnership between the public and private sectors established in the summer of 1995, Canadian firms voluntarily agree to develop action plans to reduce greenhouse gas emissions. The Challenge complements existing *Energy Efficiency Regulations* under the *Energy Efficiency Act*.

General information

Roles and responsibilities

NRCan is the focal point for federal policies and science and technology that support the competitiveness and sustainable development of the energy, forestry, mining and earth sciences sectors.

As a consequence of the amalgamation of the Department of Energy, Mines and Resources, with the Department of Forestry in 1993, the Department of Natural Resources was established in 1994 by the *Department of Natural Resources Act*. The Act confers on the Minister of Natural Resources Parliament's powers and responsibilities relating to natural resources, explosives and technical surveys in energy, mines, forestry and earth sciences sectors. It directs the Minister to carry out these functions with regard to the sustainable development and integrated management of Canada's resources. It also confers specific responsibilities, including the responsibility for:

- developing, coordinating and implementing natural resource policies and programs;
- developing and promoting Canadian scientific and technological capabilities;
- enhancing the responsible development and use of Canada's natural resources and the competitiveness of Canada's natural resource products;
- participating in the promotion of national and international market access for Canada's resource and technical survey industries;
- promoting the development and use of remote sensing technology;
- cooperating with provincial and territorial governments, national and international organizations, and the governments of foreign countries; and
- compiling, analyzing and disseminating information on the economic, technological and scientific aspects of Canada's natural resources.

Legislative mandate

The statutes administered by NRCan, in whole or in part, include

- *Appropriations Act*
- *Arctic Waters Pollution Prevention Act*
- *Atomic Energy Control Act*
- *Canada Labour Code*
- *Canada Lands Surveys Act*
- *Canada Oil and Gas Operations Act*

- *Canada Petroleum Resources Act*
- *Canada-Newfoundland Atlantic Accord Implementation Act*
- *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*
- *Canadian Exploration and Development Incentive Program Act*
- *Canadian Exploration Incentives Program Act*
- *Canadian Home Insulation Program Act*
- *Canadian Ownership and Control Determination Act*
- *Cooperative Energy Act*
- *Department of Natural Resources Act*
- *Energy Administration Act*
- *Energy Efficiency Act*
- *Energy Monitoring Act*
- *Energy Supplies Emergency Act*
- *Explosives Act*
- *Federal Real Property Act*
- *Forestry Act*
- *Hibernia Development Project Act*
- *Home Insulation (N.S. and P.E.I. Program) Act*
- *International Boundary Commission Act*
- *National Energy Board Act*
- *Nuclear Liability Act*
- *Oil Substitution and Conservation Act*
- *Oil Substitution and Conservation Act*
- *Petroleum Incentives Program Act*
- *Resources and Technical Surveys Act*

Initiatives for 1997

COGLA/89-121-I

Petroleum Occupational Safety and Health - Newfoundland

The *Canada-Newfoundland Atlantic Accord Implementation Act* excludes the application of Part IV of the *Canada Labour Code*. Thus it is necessary to develop a separate set of regulations for the safety and inspection of all petroleum operations in the Newfoundland offshore area, similar to the *Oil and Gas Occupational Safety and Health (OSH) Regulations* promulgated under Part IV of the *Canada Labour Code*.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations to ensure consistency in safety standards in all petroleum operations across Canada. Both the former Canadian Petroleum Association and the Independent Petroleum Association of Canada, now the Canadian Association of Petroleum Producers, were actively involved in drafting and reviewing the existing Oil and Gas OSH Regulations.

Promulgating these regulations in the Newfoundland offshore area will have no added impact on the industry.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

COGLA/89-122-I

Petroleum Occupational Safety and Health - Nova Scotia

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* excludes the application of Part IV of the *Canada Labour Code*. Thus it is necessary to develop a separate set of regulations for the safety and inspection of all petroleum operations in the Nova Scotia offshore area, similar to the Oil and Gas OSH Regulations promulgated under Part IV of the *Canada Labour Code*.

The proposed regulations will be as similar as legislatively possible to the *Oil and Gas Occupational Safety and Health (OSH) Regulations* to ensure consistency in safety standards in all petroleum operations across Canada. Both the former Canadian Petroleum Association and the Independent Petroleum Association of Canada, now the Canadian Association of Petroleum Producers, were actively involved in drafting and reviewing the existing Oil and Gas OSH Regulations.

Promulgating these regulations in the Nova Scotia offshore area will have no added impact on the industry.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

COGLA/89-136-I

Frontier Lands Division and Minimum Area

The relevant portions of the existing *Canada Oil and Gas Land Regulations*, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum (NAD) pursuant to the *Territorial Lands Act* and the *Public Lands Grants Act*.

With the creation of a new satellite survey system, NAD 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater accuracy that new surveying methods will provide.

Legal authority: *Canada Petroleum Resources Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/91-94-I

Newfoundland Offshore Area Division and Minimum Area

These proposed regulations, pursuant to the *Canada-Newfoundland Atlantic Accord Implementation Act*, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the *Frontier Lands Division and Minimum Area Regulations*. Industry favours the new surveying methods, which will provide greater accuracy.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/91-95-I

Nova Scotia Offshore Area Division and Minimum Area

These proposed regulations, pursuant to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the *Frontier Lands Division and Minimum Area Regulations*. Industry favours the new surveying methods, which will provide greater accuracy.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-132-L

Frontier Lands Registration

The *Canada Petroleum Resources Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The regulations established a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed amendments will ensure that the English and French versions correspond.

The petroleum industry is already complying with the Regulations. The amendment will have no negative impact.

Legal authority: *Canada Petroleum Resources Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-133-L

Newfoundland Offshore Area Registration

The *Canada-Newfoundland Atlantic Accord Implementation Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The regulations established a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed amendments will ensure that the English and French versions correspond.

The petroleum industry is already complying with the Regulations. The amendment will have no negative impact.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-134-L

Nova Scotia Offshore Area Registration

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The proposed regulations will establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed regulations should promote confidence and security within both the petroleum industry and financial institutions, as these sectors will now be able to register their documents and receive the statutory protection afforded by such a system.

Legal authority: *Canada-Nova Scotia Petroleum Resources Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

NRCan/94-31-I

Newfoundland Offshore Area Petroleum Operations

These regulations were first promulgated in June 1988, under the *Canada-Newfoundland Atlantic Accord Implementation Act*. They set out requirements for obtaining an operating licence and authorization for exploratory or development work, and for reporting an oil spill in the Newfoundland offshore.

The proposed amendments will increase the fee for obtaining a licence, now set at \$25. The increase will depend on the type of operation carried out. The fee will cover the costs required to issue such licences and authorizations.

These amendments will result in a minimal cost increase for the petroleum industry and other for organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

COGLA/89-120-I

Nova Scotia Offshore Area Petroleum Operations

These regulations are based on similar federal regulations that were first promulgated in 1983. The *Operations Regulations* spell out requirements for obtaining an operations licence and authorization for exploratory or development work, and for reporting an oil spill.

These regulations will reflect amendments proposed to the *Canada Oil and Gas Operations Regulations* and the *Newfoundland Offshore Area Petroleum Operations Regulations*.

There will be a minimal cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCAN/94-33-L

Environmental Studies Research Fund Regions

The *Canada Petroleum Resources Act* requires regions to be prescribed in regulations for the imposition of levies. These levies are used to fund environmental studies. Due to the moratorium on Georges Bank and the resolution of the international boundary dispute between Canada and France over St. Pierre and Miquelon, it is necessary to redefine some of the 31 regions presently defined in the Regulations.

These amendments would exclude Georges Bank and the settled international boundary resolution from levies. Therefore, industry would no longer be required to pay levies in these areas.

Legal authority: *Canada Petroleum Resources Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCAN/94-35-I

Newfoundland Offshore Area Installation Manager

The *Canada-Newfoundland Atlantic Accord Implementation Act* requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands because only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, the Regulations will result in added costs to industry.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCAN/94-36-I

Nova Scotia Offshore Area Installation Manager

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands because only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, the Regulations will result in added costs to industry.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCan/94-38-I

Newfoundland Oil and Gas Spill and Debris Liability

The Canada-Newfoundland Atlantic Accord

Implementation Act imposes absolute liability, up to "an applicable limit," on an operator for any damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. The cause of, liability for and amount of any losses or damage in excess of the applicable limit must be proven in court.

The proposed amendments will determine the applicability of absolute liability and the associated limits of liability that may be prescribed under the Act. The impact of the proposed amendments will be subject to the outcome of the consultations with stakeholders.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: T. Shanks, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-8286; Fax: (613) 943-2274.

NRCan/94-41-L

Canada Oil and Gas Land

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s.

Canadian ownership requirements in these regulations will be revoked to ensure consistency with oil and gas legislation.

Legal authority: *Territorial Lands Act; Federal Real Property Act*

Contact: H. Dabaghi, Advisor, Land Management and Revenues, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137;
Fax: (613) 943-2274.

NRCan/94-43-M

Energy Efficiency Performance Levels (Amendment No. 3)

The *Energy Efficiency Regulations* establish minimum energy efficiency performance levels for prescribed equipment imported into Canada or traded interprovincially. The Regulations are a key

component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan proposes to expand the range of prescribed products and to increase the performance levels for some products for which regulations took effect on February 3, 1995. Products for which performance levels could be established include large air conditioners and condensing units, large heat pumps, compact clothes dryers, oil-fired furnaces, oil-fired boilers, gas-fired boilers, package terminal air conditioners and heat pumps, transformers, ice makers, dehumidifiers, and three-phase central air conditioners and heat pumps. In addition, higher performance levels could be established for split-system heat pumps.

NRCan will provide early notice of the amendments to the regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. In addition, NRCan will conduct ongoing consultation meetings. Stakeholders include other federal government departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity to comment.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Efficiency Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

EMR/93-1-I

Explosives Regulations (Modernization)

The *Explosives Regulations* are made pursuant to the *Explosives Act*. They are currently being modernized and restructured, with the help of plain-language drafting techniques, to better address safety in today's explosives marketplace.

The *Explosives Regulations*, in this first phase of modernization, will be purged of provisions that are no longer required. New non-contentious regulations will be introduced that better address current technology and industrial practices. The Canadian classification system for explosives will be replaced

with the United Nations system. In addition, licence, permit and certificate fees will be increased.

This overhaul of the present explosives regulatory system is needed because the system is outdated in language and content, and lacks clarity and organization.

Other than increasing the fees associated with the licensing system, which support cost recovery, this initiative will impose a minimal financial burden on the public. In return, the public will enjoy the benefits of a state-of-the-art regulatory system that will be easy to use and understand.

Legal authority: *Explosives Act*, section 5

Contact: Dave McCulloch, Senior Inspector of Explosives, Explosives Branch, Natural Resources Canada, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-8995; Fax: (613) 995-0480.

EMR/92-34-I

Lands Surveys Tariff

This tariff sets fees to be charged for copies of maps, plans, field notes and other records or documents related to surveys under the *Canada Lands Surveys Act*. This initiative will amend fees to reflect the present cost of materials and to provide a charge for services.

NRCAN currently charges fees that reflect the cost of production. Increases in fees will be in proportion to increases in production costs and should have a minimal impact on clients.

Legal authority: *Canada Lands Surveys Act*, section 4

Contact: A.M. MacLeod, Legislative Advisor, Legal Surveys Division, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9.
Tel.: (613) 995-4572; Fax: (613) 995-9191;
Internet: alec.macleod@geocan.nrcan.gc.ca

NRCAN/95-35-I

Canada Lands Surveyors Regulations

A *Canada Lands Surveyors Act* will be introduced in the House of Commons in the fall of 1996. Regulations will be introduced once the proposed act has been finalized.

The Regulations will deal with the following: membership in the Association of Canada Lands Surveyors; the composition of committees and of the governing body of the Association; the academic qualifications, experience and financial requirements for the issuance and maintenance of a commission as a

Canada Lands Surveyor; a survey review process to ensure the maintenance of standards; a code of ethics; member charges; and any other matter required to carry out the intent and purposes of the proposed act.

The Regulations will also repeal the *Canada Lands Surveys Examination Regulations*.

Legal authority: *Canada Lands Surveyors Act* (proposed)

Contact: A.M. MacLeod, Legislative Advisor, Legal Surveys Division, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9.
Tel.: (613) 995-4572; Fax: (613) 995-9191;
Internet: alec.macleod@geocan.nrcan.gc.ca

NRCAN/96-1-M

Energy Efficiency Performance Levels - Electric Motor

Effective February 3, 1995, the *Energy Efficiency Regulations* established a minimum energy efficiency performance level for electric motors imported into Canada or traded interprovincially. The Regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCAN proposes to amend the definition of electric motors to identify more precisely the motors covered by the Regulations and to expand the coverage. This amendment will reduce confusion with respect to the type of motor regulated in Canada and minimize the cost of compliance. In addition, higher performance levels could be established for electric motors. There are no alternatives other than amending the definition in the Regulations.

NRCAN will provide early notice of this amendment to the Regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. In addition, NRCAN will conduct ongoing consultation meetings. Stakeholders include other federal government departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity to comment.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Efficiency Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

NRCan/96-3-L

Mobile Offshore Drilling Unit Regulations

This initiative will set minimum acceptable standards for mobile offshore drilling units used for oil and gas exploration. With the exception of certain provisions that impose more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore, the standards contained in these regulations will be similar to those adopted by most offshore regimes worldwide.

The oil and gas industry will be consulted extensively, particularly the Canadian Association of Petroleum Producers and the Canadian Association of Offshore Drilling Contractors. To ensure consistency with the requirements issued by the Canadian Coast Guard, NRCan is developing these regulations jointly with the Canadian Coast Guard.

Requirements for mobile offshore drilling units are now contained in the *Installations Regulations*. Once the proposed regulations are promulgated, the *Installations Regulations* will be amended to delete their application to mobile offshore drilling units.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCan/96-4-L

Newfoundland Offshore Area Petroleum Drilling and Production Regulations

The *Newfoundland Offshore Petroleum Drilling Regulations* and the *Newfoundland Offshore Area Petroleum Production and Conservation Regulations* currently in effect will be combined to update technical requirements resulting from technological changes and the promulgation of other regulations, and to remove overlap and duplication.

These proposed regulations will enhance worker safety and protect the environment during all phases of oil and gas activities. They will also streamline the regulatory process.

No added impact on the oil and gas industry is expected.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

NRCan/96-5-L

Nova Scotia Offshore Area Petroleum Drilling and Production Regulations

The *Nova Scotia Offshore Petroleum Drilling Regulations* and the *Nova Scotia Petroleum Production and Conservation Regulations* currently in effect will be combined to update technical requirements resulting from technological changes and the promulgation of other regulations, and to remove overlap and duplication.

The proposed regulations will enhance worker safety and protect the environment during all phases of oil and gas activities. They will also streamline the regulatory process.

No added impact on the oil and gas industry is expected.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: D. Smith, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-1001; Fax: (613) 943-2274.

Future initiatives

Explosives Regulations (Modernization - Phase II)

The second phase the initiative to modernize the *Explosives Regulations* will begin once the first phase has been completed in early 1997.

This second phase will address outstanding issues from the first phase, as well as new issues that are more contentious and are expected to require more consultation.

Preliminary consultation on Phase II issues will be conducted at the same time as the formal Phase I consultation. Further consultation will involve the publication of the results of this preliminary

consultation in the *Explosives and Pyrotechnics Bulletin*. Other stakeholders will be informed through republishing in the *Canada Gazette*.

Classification: Low-cost initiative

Contact: Dave McCulloch, Senior Inspector of Explosives, Explosives Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-8995; Fax: (613) 995-0480.

Contact: Pat Martin, Senior Policy Analyst, Energy Efficiency Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 943-2396; Fax: (613) 947-4120; Internet: pat.martin@es.nrcan.gc.ca

Energy Efficiency Performance Levels (Various)

The *Energy Efficiency Regulations* establish minimum energy efficiency performance levels for prescribed equipment imported into Canada or traded interprovincially. The regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan is developing various amendments to the regulations that would expand the number of products regulated. Potential areas for regulation are as follows:

- commercial and industrial products identified in the NRCan-commissioned study by *Centre de recherche industrielle du Québec (CRIQ)*;
- products under consideration by the U.S. Department of Energy;
- higher performance levels for products covered by the *Energy Efficiency Regulations* as of February 3, 1995; and
- other products regulated in the U.S. but not regulated by any province in Canada.

Whether any of these products will be regulated will be determined, in part, by a cost-benefit analysis of the economic benefits to Canada of such regulation.

NRCan will provide early notice of the amendments to the regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. In addition, NRCan will conduct ongoing consultation meetings. Stakeholders include other federal government departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity for comment.

Classification: Major initiative

Public Works and Government Services Canada

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General information

Roles and responsibilities

Public Works and Government Services Canada (PWGSC) is the main provider of central and common services to the Government of Canada. The Department was created in June 1993, through the amalgamation of Public Works Canada, Supply and Services Canada, the Government Telecommunications Agency (Communications Canada), and the Translation Bureau (Secretary of State of Canada). The creation of the Department made service delivery in government more cost-effective, and created a focal point for government central and common services.

PWGSC provides central services that are considered essential to government operation, and which departments and agencies must use. These include Receiver General for Canada functions, compensation services, office space provision, goods acquisition and Crown assets disposal. It also provides a wide range of common services that its clients, which comprise more than 100 departments and agencies, may choose to use. Services include areas of expertise such as: property and facilities management; architecture and engineering; real estate services; printing and publishing; translation; interpretation and terminology; consulting and audit; information management and technology; and communications.

The Department's goal is to provide the best value for taxpayers' dollars in the delivery of central and common government services, with due regard for the important government values of prudence, probity and transparency.

Legislative mandate

The statutes under the jurisdiction of the Minister responsible for Public Works and Government Services that are managed by the department are the:

- *Bridges Act*
- *Defence Production Act*
- *Department of Public Works and Government Services Act*
- *Dry Docks Subsidies Act*
- *Expropriation Act*
- *Government Property Traffic Act*
- *Government Works Tolls Act*
- *Milltown Bridge Act*
- *Municipal Grants Act*
- *Northumberland Straits Crossing Act*
- *Ottawa River Act*
- *Seized Property Management Act*
- *Surplus Crown Assets Act*

Administrative arrangements

- *Federal Real Property Act*
- *Public Works Health Act*
- *Public Harbours and Port Facilities Act*
- *Ste-Foy-St-Nicolas Bridge Act*

Initiatives for 1997

PWGSC/97-1-L

Government Property Traffic Regulations

Implementation of the *Contraventions Act* has brought to light the need for a review of the above regulations to improve clarity and enforcement. Federal institutions with enforcement responsibilities will contribute to this review. Specific amendments resulting from this review have not yet been identified.

Legal authority: *Government Property Traffic Act*, section 2

Contact: Christian Kroeger, Security Policy and Planning Directorate, Public Works and Government Services Canada, Ottawa, Ontario, K1A 0S5,
Tel.: (819) 956-2236; Fax: (819) 956-4962.

PWGSC/97-2-I

Expropriation Services - Fees or Charges

The new *Canadian Transportation Act* allows, among other things, certain non-government bodies (e.g., railway companies, harbour commissions, etc.) to request that the Minister of PWGSC expropriate, under the *Expropriation Act*, land that they require for public purposes. The *Expropriation Act* as well as other acts listed in the legal authorities below now allow the Minister of PWGSC to prescribe by regulation: the fees or charges to be paid by non-government bodies requesting expropriations under the Act, in respect of the expropriation services provided; and the amount and nature of the security to be provided in respect of such fees or charges. This initiative will consist of developing these regulations.

Legal authority: *Expropriation Act, Dry Docks Subsidies Act, Harbour Commissions Act, Northwest Territories Waters Act, Dominion Water Power Act and Yukon Waters Act*

Contact: Yves Boily, Acquisition and Disposal Officer, Real Property Services Branch, Public Works and Government Services Canada, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2593; Fax: (613) 736-2462.

PWGSC/95-5-I

Canadian Vickers Dry Dock Regulations (Repeal)

Until 1991, PWGSC paid an annual subsidy of \$180,000 to MIL-Vickers (later MIL-Davies) for the operation of the George Vanier Floating Dry Dock at Montreal. The *Canadian Vickers Dry Dock Regulations* were given royal assent as per the 1964 agreement between the Crown and Canadian Vickers Ltd. (later MIL-Davies). A condition of the agreement was that the dry dock be operated at the port of Montreal. However, as a result of the concentration of facilities at Lauzon, Quebec, MIL-Davies is now in default of the subsidy agreement and payments were therefore suspended in 1991. MIL-Davies now receives a direct subsidy from Industry Canada. PWGSC will therefore seek to repeal these regulations.

Legal authority: *Dry Dock Subsidies Act*, section 91(5.1)

Contact: Marcia Carlyn, Director, Holdings Management, Real Property Services Branch, Public Works and Government Services Canada, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2207; Fax: (613) 736-3253.

PWGSC/97-3-L

Municipal Grants Program

The Minister of PWGSC has established a Joint Technical Committee to review various municipal grants issues of concern to municipalities. This Committee is composed of the Federation of Canadian Municipalities, the Treasury Board Secretariat and PWGSC. It made its recommendations to the Minister of PWGSC, who accepted them in March 1996. Therefore, in order to implement some of the recommendations, amendments may be necessary to the *Municipal Grants Regulations*, the *Interim Payments and Recovery of Overpayments Regulations* and the *Crown Corporation Grants Regulations*.

Legal authority: *Municipal Grants Act*, section 9.(1)

Contact: Bernard Deschamps, Municipal Grants, Real Property Services Branch, Public Works and Government Services Canada, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2261; Fax: (613) 998-8360.

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Regulatory approach

When considering regulatory changes and other initiatives that it undertakes, Revenue Canada aims to improve service to its clients and to reduce the cost of compliance, through a more responsive and efficient revenue administration. Revenue Canada will

continue to be a significant contributor to and a major player in the government's program to reduce administrative burden for business in Canada. This will be accomplished through ongoing regulatory reform, consultations with stakeholders, and continued participation in current and future projects such as the new *Regulatory Efficiency Act*.

To ensure consistency of approach and adherence to the government's Regulatory Policy, the department's Policy and Legislation Branch reviews all of the department's regulatory initiatives before they are submitted to the Minister for consideration.

Most of the regulations that Revenue Canada administers, particularly those authorized under the *Income Tax Act* and the *Excise Tax Act* (GST), are not "regulatory" in nature. They are extensions of the policy in the acts themselves. For example, the rules and rates for determining the capital cost allowance for income tax purposes, the authority for which is in the *Income Tax Act*, are described in the regulations to that act. Therefore, our scope to consult and to consider alternatives to these types of regulations is limited.

In addition, many regulations under the *Customs Act* and *Customs Tariff* result from negotiated international trade agreements such as NAFTA. The government strives to take the interests and concerns of Canadian industry into account before and during trade negotiations. The final agreements represent predetermined policy positions. Further consultations or consideration of alternatives would only compromise the strict deadlines that the department has for implementing the regulations required as a result of these trade agreements.

In general, Revenue Canada's upcoming proposals for regulatory change reduce the compliance burden on industry, introduce flexibility and administrative simplicity, modernize the regulations and reduce paper burden.

Such proposals include:

- changes to the *Proof of Origin of Imported Goods Regulations* will lessen regulatory burden by reducing the requirements for presenting, at the time of importation, proof of origin for goods entitled to certain preferential tariff treatments;
- amendments dealing with reporting for registered pension plans, which will allow plan administrators to file a joint return with Revenue Canada and provincial authorities;
- amendments to the *Denatured Alcohol Regulations*, which will significantly expand the range of

approved denaturants and authorized uses. This will greatly enhance Canada's ability to compete globally and will allow the alternate use of specially denatured alcohol where pure alcohol was traditionally used; and

- changes to the *Streamlined Accounting Regulations*, which will create cost savings by simplifying the calculation and the auditing of the goods and services tax (GST) liability of taxpayers.

Although the vast majority of the proposed regulatory changes do not cause an administrative burden, some changes may increase paper burden, but are considered necessary for the proper administration of the acts for which the department is responsible.

When proposing these types of changes, the department always takes administrative and paper burden costs into consideration. It holds consultations with stakeholders, when possible. The department also considers alternatives: it determines whether the same result could be achieved by administrative arrangements, and assesses whether information being requested is necessary or whether there are better ways to obtain it.

In addition to programs in progress or already completed, and in support of the Government's initiative to *Building a More Innovative Economy*, Revenue Canada will be working with the Department of Finance and Industry Canada to address other issues that would lower the cost of administering tax regulation, with a view to having additional improvements in effect in 1997.

General information

Roles and responsibilities

The department exists by virtue of the *Department of National Revenue Act*, which charges the Minister of National Revenue with the control, regulation, management and supervision of internal taxes, including income tax and consumption taxes, as well as customs and excise duties. From 1926 to 1994, Revenue Canada consisted of two separate departments, namely Taxation, and Customs and Excise. In 1994, the *Department of National Revenue Act* was amended and Revenue Canada became a single department with one deputy minister.

Revenue Canada serves Canadians and Canadian businesses through the administration of international trade, customs, excise and taxation programs. In addition to its responsibility for generating revenue by

collecting customs and excise duties and taxes, individual and corporate income taxes and the GST, the department plays a pivotal role in redistributing social benefits through the tax system; enforcing Canadian laws and sovereignty at the border; administering provisions of international trade agreements, anti-dumping and countervail legislation; and providing a wide range of inspection and monitoring functions on behalf of other departments and agencies.

The department's strategy for obtaining compliance with the law, regulations and policies is based on voluntary compliance and self-assessment. It achieves compliance through a balance of assistance, education and service activities, along with responsible enforcement. When reviewing its regulatory programs, the department does so with this strategy in mind. Regulatory requirements must be clear, simple and straightforward.

Revenue Canada's programs, operations and services are reflected as four business lines which are outlined below.

- **Revenue generation** - the department collects the GST, excise duties and taxes on both domestic transactions and importations; federal income tax as well as personal and corporate tax on behalf of most provinces; and employee and employer payments under both the *Canada Pension Plan* and the *Employment Insurance Act*. At the border, it also collects customs duties and other import levies – in addition to, in some cases, provincial sales, alcohol and tobacco taxes.
- **Trade administration** - trade policy administration facilitates trade and supports the international competitiveness of Canadian industry and business. It seeks to ensure that Canadian industry is fairly treated by the wide variety of trade policy instruments that set the levels of customs duties, define import and country of origin requirements, provide for duties relief through remission and drawback programs, and provide remedies for unfair trade practices through anti-dumping and countervailing duties.
- **Customs border service** - border policy administration includes facilitating the movement of legitimate goods and travellers across the border; monitoring and controlling the importation of firearms, drugs and other controlled goods into Canada; interdicting prohibited goods and materials and suspected terrorists; and inspecting goods and conveyances entering Canada, on behalf of federal and provincial agencies.

- **Income redistribution** - the department delivers a number of social and economic benefits through the revenue system on behalf of the federal, provincial and territorial governments, including GST credit, Child Tax Benefit and duties relief programs. Through the administration of excise duties, the department regulates the tobacco, distilling and brewing industries to a considerable extent. The administration of the income tax, GST, excise tax and duty collections systems carries with it the responsibility to assess, collect and, where appropriate, refund duties, taxes and levies. Audit, review and adjustment functions are important aspects of the tax and duty collection process.

The department must also develop and maintain guidelines, policies, strategies, systems and programs for the consistent administration of its activities.

The organizational structure that supports these programs and activities consists of six regions in the field. Each region has three complementary operational streams: tax services, customs border services and trade administration services. As well, there are seven tax processing centres. The field operations are supported by six headquarters program branches that are responsible for policy, program development and technical support, plus six other branches that are responsible for corporate and common services.

Legislative mandate

The Minister of National Revenue is responsible for the administration of the statutes that fall within the department's legislative mandate, while the Minister of Finance retains the responsibility for the development of tax policy and legislation in respect of those statutes. The following are the major statutes included in the legal mandate of Revenue Canada:

- *Canada Pension Plan, Part I*
- *Children's Special Allowances Act*
- *Customs Act*
- *Customs Tariff*
- *Employment Insurance Act, Parts III and VII*
- *Excise Act*
- *Excise Tax Act* (includes the GST)
- *Importation of Intoxicating Liquors Act*
- *Income Tax Act*
- *Income Tax Conventions Interpretations Act*
- *Petroleum and Gas Revenue Tax Act*
- *Special Import Measures Act*
- *Tax Rebate Discounting Act*

Administrative arrangements

International tax agreements aim to promote the exchange of information between treaty partners and to avoid the double taxation of foreign income earned by citizens of countries having treaties with Canada. According to the provisions of the *Federal-Provincial Fiscal Arrangements Act*, Revenue Canada collects income taxes for the provinces under agreements entered into by the Minister of Finance.

The department also assists other departments in the administration of more than 70 pieces of legislation that pertain mainly to the movement of goods and people across Canada's borders. That legislation comes under the authority of other federal government departments and agencies, notably the departments of Agriculture and Agri-Food, Health, Industry, Statistics Canada and Transport.

Initiatives for 1997

Customs Border Services Branch

RC-CE/90-450-I

Accounting for Imported Goods and Payment of Duties Regulations - New Business Relationships

These regulations set out the accounting and release requirements for all goods imported into Canada, as well as the requirements related to the payment of duties on these goods.

The Regulations will be amended to support a number of initiatives related to the New Business Relationships Initiative and the integration of the revenue portfolio. Some of these initiatives deal with reporting and release of commercial goods, and method of payment of duties and taxes. Amendments to the regulations will be introduced as each initiative is scheduled to be implemented.

These policy and program initiatives will benefit the importing and brokerage community by providing flexibility and improving service.

Legal authority: *Customs Act*, section 32

Contact: Fred Light, Director, Postal, Courier and Legislation Division, Commercial Services Directorate, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 954-7130; Fax: (613) 952-5491.

RC/R-1-L

Accounting for Imported Goods and Payment of Duties Regulations - Release on Minimum Documentation

The *Accounting for Imported Goods and Payment of Duties Regulations*, as they pertain to mail importations, prohibit importers from using release-prior-to-payment privileges. For all mail items, the duties and taxes must be collected before the goods can be released from customs.

Currently, duties and taxes payable on commercial mail items valued under \$1,600, as well as on all non-commercial mail goods, are accounted for on an E14 Customs Postal Import Form, which must be remitted to Canada Post Corporation (CPC) upon delivery. For commercial mail items over \$1,600, Customs notifies the importer that the goods have arrived and that the duties and taxes must be paid, using a B3 cash-type transaction before the goods can be released and delivered.

The department proposes to make a regulatory change to allow the use of Release on Minimum Documentation (RMD) privileges for clearance of commercial mail items. Under this proposal, Customs would continue to notify commercial importers (for goods valued over \$1,600) that their mail items have arrived and that they must present the necessary release or accounting documents to Customs. The importers could then use RMD privileges to obtain release of their goods. Of course, importers may continue to use a B3 cash entry should they wish.

Commercial mail items valued under \$1,600, which are documented on an E14 form, may also be accounted for by using release-prior-to-payment privileges. However, as is the practice today, CPC is required to return these goods to Customs pending submission of the necessary release documentation.

Legal authority: *Customs Act*, section 32

Contact: Fred Light, Director, Postal, Courier and Legislation Division, Commercial Services Directorate, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 954-7130; Fax: (613) 952-5491.

RC/R-33-L

Reporting of Exported Goods Regulations

The *Reporting of Exported Goods Regulations* outline the manner, time and place of reporting goods exported from Canada. Information obtained from the export

report is used by Statistics Canada to compile Canada's export trade statistics.

The *Reporting of Exported Goods Regulations* require exporters to report exports either on a transaction-by-transaction basis or in one monthly report (the latter exporters are known as "summary reporters." These regulations also specify the conditions for becoming a summary reporter. To increase the number of exporters that may report their exports on a monthly basis, it is necessary to amend the Regulations to simplify the conditions for becoming a summary reporter.

Also, the United States and Canada exchange their import data to replace their export data under the terms of a memorandum of understanding (MOU). Therefore, it is no longer necessary to declare exports destined for consumption in the United States, Puerto Rico or the U.S. Virgin Islands.

An amendment to the regulations is required to exempt exports to the United States from the export reporting requirements.

Legal authority: *Customs Act*, section 95 and paragraph 164(1)(i)

Contact: Doug Waldie, Chief, Export Policy, Reporting, Release and Examination Policy Division, Commercial Services Directorate, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6986;
Fax: (613) 952-1698.

Trade Administration Branch

RC/96-3-I

Valuation for Duty Regulations

These regulations, administered by the Valuation Division of the Trade Administration Branch, will be amended to include and define the phrase "purchaser in Canada." This definition is required in order to fully implement legislative amendments made to the valuation provisions of the *Customs Act*. As a result, the value for duty of imported goods will be based on the price paid by a purchaser in Canada to a foreign vendor, using the transaction value method.

This amendment will implement in legislation the long-standing administrative policy that has been in place since 1985, and would close a perceived loophole in the interpretation of the current valuation provisions of the *Customs Act*. This will ensure that all importers are treated equitably under the *Customs Act*

and that a competitive advantage does not accrue to any particular section of the importing community.

Consultations are being undertaken with the importing community and interested associations, to ensure that the proposed amendment accurately reflects commercial reality.

Legal authority: *Customs Act*, section 164

Contact: Stuart MacDonald, Chief, Policy Development Unit, Trade Administration Branch, Revenue Canada, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7338; Fax: (613) 954-5500.

RC/97-1-L

Hand-loomed, Handmade or Handicraft Textile or Apparel Goods (NAFTA) Regulations

These new regulations, to be made pursuant to the *Customs Tariff*, will list and describe those textile or apparel goods that will be allowed to be imported into Canada on a duty-free basis, where such goods have been duly certified by the governments of Mexico or the United States to be hand-loomed, handmade or handcrafted.

This initiative is needed to permit the full application and interpretation of the statutory concession code 2957, which appears under Schedule II to the *Customs Tariff*. It will also give effect to a negotiated agreement that was struck subsequent to NAFTA and is considered to be an extension of that agreement. These proposed regulations will lead to freer access to the Canadian marketplace for hand-loomed, handmade or handcrafted textile or apparel goods originating in Mexico or the United States.

Consultations have been carried out with trade representatives from Mexico and the United States.

Legal authority: *Customs Tariff*, statutory concession code 2957, Schedule II

Contact: Mr. R. Dods, Manager, Unit 4B, Consumer and Industrial Products, Tariff Programs, Trade Administration Branch, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

RC/97-2-L

Proof of Origin of Imported Goods Regulations

The *Proof of Origin of Imported Goods Regulations* state the proof of origin requirements for claiming a preferential tariff treatment for imported goods, under section 35.1 of the *Customs Act*. These regulations also exempt certain persons and goods from the requirement to provide a proof of origin form.

Section 4 of the regulations describes how importers must present the proof of origin form for goods originating in countries that are beneficiaries of the General Preferential Tariff Treatment (GPT), the Commonwealth Caribbean Countries Tariff Treatment (CARIBCAN) and the Least Developed Developing Countries Tariff Treatment (LDDC). Proposed amendments to this section will exempt commercial importers of goods from having to obtain the proof of origin form (Form A - Certificate of Origin), provided that the importer claiming one of the preferential tariff treatments possesses other satisfactory proof of origin and makes it available on request to Revenue Canada officials.

These changes in documentary requirements are needed to permit the full integration of the GPT, CARIBCAN and LDDC tariff treatments into the recently implemented Electronic Data Interchange - Accelerated Commercial Release Operations Support System (EDI-ACROSS) initiative. This system permits importers to transmit invoice and release data electronically to the department.

For casual, non-commercial importations from GPT, CARIBCAN and LDDC countries, the department will no longer require a written statement from the vendor certifying the origin of the goods. Instead, it will develop less stringent requirements for other easily obtainable evidence of the origin of the goods.

Consultations carried out with importers, Customs brokers and manufacturers have indicated widespread support for this initiative. Overall, Revenue Canada expects to achieve a small net saving from these changes.

Legal authority: *Customs Act*, section 35.1

Contact: Leah Kember, Policy Officer, Origin Determination Directorate, Trade Administration Branch, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 952-2789; Fax: (613) 954-2224.

RC/R-4-L

Drawback Claims Remission Order

Once a year, a remission order is prepared remitting customs duties paid on imported goods that are the subject of drawback claims. The Order allows the department to pay a drawback to Canadian companies that, because of circumstances beyond their control, could not file drawback claims within the prescribed time limit.

Generally, the Order applies to a new company, an existing company not previously engaged in export trade, or a company that has manufactured articles in fulfilment of an export order but has been instructed by the foreign purchaser to withhold shipment until a later date.

The Order will benefit Canadian companies by diminishing the effect of certain circumstances beyond their control on their ability to compete in domestic and international markets.

Legal authority: *Customs Tariff*, section 101

Contact: J. Mills, A/Manager, Drawback and Refund Policy Unit, Duties Relief Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6890; Fax: (613) 952-3971.

RC/R-5-L

Temporary Importation Remission Orders

Each year, the department retroactively, grants remission of a portion of the customs duties and goods and services tax paid or payable on certain goods required temporarily in Canada.

These orders allow Canadian industries to produce goods and provide services in more cost-effective, and therefore more competitive, manner. They also reduce the administrative and financial burden on those industries and the department by removing the requirement to obtain legislative authority for individual cases.

Legal authority: *Customs Tariff*, section 101

Contact: D. Hotchkiss, Manager, Remission Policy Unit, Duties Relief Programs Directorate, Trade Administration Branch, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

RC/R-6-L

Used Motor Vehicle Exemption Regulations

Generally, used or second-hand motor vehicles have to be 15 years old or older before they are exempt from the prohibitory terms of Code 9963 of Schedule VII to the *Customs Tariff* and can be imported into Canada. Although the age restriction on motor vehicles imported from the United States was eliminated on January 1, 1993, under the terms of the *Canada-United States Free Trade Agreement*, the 15-year age restriction still applies to motor vehicles imported from other countries.

Every year, individuals wishing to import vehicles make requests for exemption from the prohibition. Departmental officials review these requests on a case-by-case basis. Because of special circumstances surrounding given cases, the Minister may recommend that regulations be made exempting certain vehicles that are not already exempted by the existing *Used or Second-hand Motor Vehicle Regulations*.

As the number of vehicles exempted from the prohibition each year is relatively small, there will be no impact on either the Canadian new or used motor vehicle industries.

Legal authority: *Customs Tariff*, paragraph (e) of code 9963 of Schedule VII

Contact: R. Dods, Manager, Unit 4A, Consumer and Industrial Products, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

Excise Duties and Taxes

EXCISE DUTY PROGRAM

RC/94-23-L

Excise Warehousing Departmental Regulations - In-bond Activities

These regulations prescribe the conditions for the transfer of goods in bond; the return of exported goods to in-bond status; and the release of goods, duty free, to specified persons such as diplomats. They also set record-keeping requirements for bonding-warehouse operators.

The Regulations will be amended to permit the transport of samples in bond; to permit the return of spirits to in-bond stock; to eliminate the minimum quantity requirement for the removal of spirits from a bonding warehouse; to revoke the requirement that a

regional director provide authority to return exported goods to in-bond stock; and to reflect the new bonding warehouse licence issued to individuals authorized by a licensed tobacco or cigar manufacturer to distribute tobacco or cigars to accredited representatives.

The proposed changes will reduce the compliance burden on the licensees, help the industry become more competitive and reduce the administrative costs incurred by industry and the department.

Legal authority: *Excise Act*, section 127.1, and subsections 32(2), 50(4), 58(1) and 150(1)

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 957-7593; Fax: (613) 954-2226.

RC/96-8-L

Specially Denatured Alcohol Regulations - Expanded Grades

These regulations prescribe the conditions under which specially denatured alcohol (SDA) can be manufactured and sold. SDA consists of methyl alcohol which, when mixed in specified proportions with approved special denaturants, is exempt from excise duty. These regulations ensure that SDA is not diverted and used as, or in the production of, beverage alcohol for which duty is payable.

This initiative will significantly expand the range of formulations and end uses for SDA. These changes will benefit manufacturers by permitting them to use a wider range of formulations, thus enhancing the creative and competitive potential of Canadian industry. The new formulations harmonize the Canadian SDA grades with the authorized SDA grades in the United States, thereby allowing Canadian manufacturers to produce goods for the United States and other export markets.

Legal authority: *Excise Act*, sections 31 and 127.1 and subsection 246(2)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/97-3-L

Tobacco Regulations - Marking Exemptions

The *Tobacco Regulations* prescribe the conditions for marking containers of tobacco products destined for the duty-free market. The *Excise Act*, however,

provides for an exemption from the marking requirements for tobacco products for which the risk of being smuggled back into Canada is remote. To qualify for an exemption, the products must meet specific criteria as established in the Act, and must be prescribed in departmental regulations. This amendment is being made at the request of the industry and will expand the listing of tobacco products that are exempt from the marking requirements.

Legal authority: *Excise Act*, sections 60, 127, and 202

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

EXCISE TAX PROGRAM

RC/94-29-L

Formula Refunds Regulations

These regulations specify how to calculate the amount of deductions, refunds or payments in situations where there is insufficient information to determine the exact amount of federal sales or excise tax.

They will be repealed and replaced with regulations that will deal specifically with excise tax payments and deductions. The formulae for determining estimated payments or deductions will be included in the revised regulations. These changes will not entail any policy changes.

Legal authority: *Excise Tax Act*, section 76

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/94-30-L

Goods for Ships and Aircraft (Excise) Drawback Regulations

These regulations set the parameters for claiming sales and excise taxes on goods supplied to ships and aircraft proceeding on international voyages.

They will be modified to remove all references to the former federal sales tax. This will not entail any policy changes.

Legal authority: *Excise Tax Act*, subsection 70(1)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C,

7th Floor, 25 McArthur Avenue, Vanier, Ontario,
K1A 0L5. Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/94-31-L

General Excise and Sales Tax Regulations

The *General Excise and Sales Tax Regulations* outline the rules applicable to the licensing of manufacturers and wholesalers for the purposes of federal sales and excise taxes; the licensing exemption for small manufacturers; the security to be given by licensed wholesalers; and returns and payments. They also set out the rules governing the documentation of exported goods for which sales or excise taxes have been paid that are subject to rebate or deduction.

These regulations will be revised to eliminate all obsolete provisions and references to federal sales tax. Most of the remaining provisions will be altered to correct references to various sections of the *Excise Tax Act* and to effect other housekeeping changes. The Regulations will also be revised to incorporate additional exemptions that are now covered in the *Small Manufacturers or Producers Exemption Regulations*, which are scheduled for revocation. All of the modifications being contemplated under this amendment are essentially housekeeping in nature.

Legal authority: *Excise Tax Act*, subsections 59(1), 64(2), section 68.1

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 957-7593; Fax: (613) 954-2226.

RC/94-32-L

Gasoline and Aviation Gasoline Excise Tax Application Regulations (Miscellaneous)

In accordance with recommendations stemming from the department-wide regulatory review, the existing regulations will be revised and renamed. When the goods and services tax was implemented on January 1, 1991, the *Excise Tax Act* provisions pertaining to rebates of gasoline and aviation gasoline excise taxes were substantially revised. As part of those revisions, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation.

The revised regulations will reflect these legislative changes. In addition, they will reflect the administrative practice by eliminating the requirement for an individual applicant to provide his or her social

insurance number on an application for rebate of the excise tax on gasoline. However, no changes in policy or to current administrative practices will be required as a consequence of this revision.

Legal authority: *Excise Tax Act*, subsection 68.16(6)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/94-33-L

Gasoline and Aviation Gasoline Excise Tax Regulations

In accordance with recommendations stemming from the department-wide regulatory review, the *Gasoline and Aviation Gasoline Excise Tax Regulations* will be revised and renamed. When the goods and services tax was implemented on January 1, 1991, the *Excise Tax Act* provisions pertaining to rebates of gasoline and aviation gasoline excise taxes were substantially revised. Accordingly, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation. The legislative provisions for the issuance of bulk permits for gasoline and aviation gasoline were also revoked at that time.

The revised regulations will reflect these legislative changes, eliminate a number of obsolete provisions and make several other corrections to references to sections of the *Excise Tax Act*. However, no changes in policy or to current administrative practices will be required as a consequence of this revision.

Legal authority: *Excise Tax Act*, subsection 68.16(1)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/97-4-L

Air Transportation Tax Regulations

The *Excise Tax Act* imposes an air transportation tax on amounts paid for transportation of persons by air in certain circumstances. The *Air Transportation Tax Regulations* prescribe the rules to be followed in administering this tax.

While the *Excise Tax Act* distinguishes between tax applicable to domestic and transborder flights and to

international flights, the Regulations are not explicit with respect to the calculation of tax in these different situations. This amendment will clarify the requirements for determining air transportation tax in all circumstances. It will also make clear that the requirement to provide substantiating evidence for determining the prepayment of tax applies equally to air transportation within and outside the taxation area.

This change will ensure consistency with the enabling statute, as well as with the current policy and administrative practices, and has no policy implications.

Legal authority: *Excise Tax Act*, section 21

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/97-5-L

Export Tax Exemption Regulations - Tobacco Products

The *Excise Tax Act* provides for the exemption of tobacco products for which the risk of being smuggled back into Canada is remote, to be exempted from the application of export tax. In order to qualify for the exemption, the products must meet specific criteria as established in the Act, and must be prescribed in departmental regulations. This amendment is being made at the request of the industry and will expand the range of products that are eligible for exemption from export tax.

Legal authority: *Excise Tax Act*, subsection 23.3(4)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

RC/97-6-L

Delegation of Powers Regulations (Repeal)

The *Excise Tax Act* was amended to remove the requirement that the Minister authorize departmental officials to exercise the powers or to perform duties of the Minister by "regulation." A delegation of authority instrument which is signed by the Minister is currently relied on to delegate these responsibilities. This amendment will repeal these spent regulations.

Legal authority: *Excise Tax Act*, subsection 59(2)

Contact: C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 954-5900; Fax: (613) 954-2226.

Income Tax

RC/R-10-L

Tax Deductions - Part I

The *Income Tax Regulations* describe what type of payments will require deductions at source, as well as the circumstances under which deductions are to be made and remitted to the Receiver General.

Amendments to Part I and Schedule I of the Regulations will change federal-provincial sharing of source deductions on wages and salaries, and source deduction tables for employers to reflect indexing and federal-provincial budget changes. Amendments will also be made to Part I to require source deductions on signing bonuses and on salary prepayments paid to non-residents.

The impact of the amendments cannot be determined at this time.

Legal authority: *Income Tax Act*, subsection 153(1)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 123 Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-11-L

Tax Information Returns - Part II

The *Income Tax Regulations* set out the circumstances under which information returns must be made. Amendments to Part II will require a described class of persons to file information returns in certain circumstances. The amendments will reflect amendments to the *Income Tax Act* and to those classes of persons and circumstances that the department has determined should file information returns to enhance the effective administration of the Act.

Further amendments may be made to make reporting unnecessary when there are no tax consequences or where the information is reported elsewhere.

The amendments are administrative in nature. They will reduce paper burden by eliminating unnecessary reporting, but will increase paper burden by requiring some new reporting of financial transactions.

Legal authority: *Income Tax Act*, paragraph 221(1)(d)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-12-L

Elections - Part VI

The *Income Tax Regulations* list which elections under the *Income Tax Act* may be late, amended or revoked. Amendments to Part VI of the Regulations will list additional provisions of the Act in respect of which late, amended or revoked elections may be made.

They are relieving in nature, but the impact cannot be determined at this time.

Legal authority: *Income Tax Act*, subsection 220(3.2)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-13-L

Elections - Parts X, XV, and XXI

Amendments to parts X, XV and XXI of the *Income Tax Regulations* will revoke the manner of making elections. They are administrative in nature.

Legal authority: *Income Tax Act*, paragraph 221(1)(a)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-15-L

Communication of Information - Part XXX

Amendments to Part XXX of the *Income Tax Regulations* will list additional provincial laws in respect of which this department may communicate income tax information to provincial governments. These changes are administrative in nature.

Legal authority: *Income Tax Act*, subsection 122.64(2)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-16-L

Universities Outside Canada - Schedule VIII

Schedule VIII of the *Income Tax Regulations* lists the universities outside Canada to which Canadians can make donations that are deductible for income tax purposes. This schedule will be amended to add additional universities that meet the requirement contained in the *Income Tax Act* or to reflect a change in the name of a listed university. These amendments are relieving in nature, but the impact cannot be determined at this time.

Legal authority: *Income Tax Act*, subparagraph 110.1(1)(a)(vi)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-17-L

Instalment Base for Individuals - Part LIII

The *Income Tax Regulations* define the instalment base for an individual. Currently, they do not take into account the many changes made to the instalment remitting provisions since 1986, and refer to *Income Tax Act* provisions that have been repealed.

The Regulations will be amended to reflect the way the instalment base is actually being calculated, and to stipulate that the instalment base is not affected by the proposed accelerated *Old Age Security* clawback.

Legal authority: *Income Tax Act*, subsection 156(3)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-18-L

Registered Plans - Reporting and Provision of Information - Part LXXXIV

Part LXXXIV of the *Income Tax Regulations* allows the administrators of registered pension plans to file a joint information return with the provincial authority responsible for regulating pension plans, when there is an agreement between the province and the Minister of National Revenue permitting the joint filing. Amendments will be made as required to reflect additional provincial agreements. The amendments are relieving in nature and will reduce paper burden.

Legal authority: *Income Tax Act*, paragraph 221(1)(d)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

Canada Pension Plan

RC/R-19-L

Source Deductions - Part I and Schedule I

These amendments to Part I of the *Canada Pension Plan Regulations* will set out the maximum contributions that can be made annually and the annual basic exemption. The amendment reflects the inflationary increase in salaries and wages as reflected by the Industrial Aggregate in Canada. These amendments will be prepared in consultation with Human Resources Development Canada.

Amendments to Schedule I to the Regulations, which provides source deduction tables for employers, are based on the revised maximum contributions and basic exemption.

The figures necessary to set the revised maximum contributions and basic exemption are not available at this time.

Legal authority: *Canada Pension Plan*, subsection 21(1)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-20-L

Canada Pension Plan - Schedules IV to IX

Amendments to Schedule IV to the *Canada Pension Plan Regulations*, which lists the types of employment by a provincial government that are excluded from pensionable employment, will reflect requests received from the provincial governments.

Amendments to schedules V to IX to the Regulations will reflect international agreements between the Government of Canada and international organizations or the governments of other countries.

The agreements affecting schedules V to VIII provide that certain employees in Canada of the international organizations or the other countries' governments are employed in exempt employment for the purposes of the *Canada Pension Plan*. The agreements affecting schedule IX provide that certain employees in Canada

of other countries' governments are employed in pensionable employment for the purposes of the *Canada Pension Plan*.

The precise impact of the amendments cannot be determined at this time but, generally, they will result in increased contributions.

Legal authority: *Canada Pension Plan*, section 7

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-21-L

Canada Pension Plan - Part IV - Regulation 35 Refund of Overpayments

The *Canada Pension Plan Regulations* will be amended to reflect the 45-day interest-free period specified in the *Income Tax Act* within which the department must issue a refund of taxes. Since CPP overpayments are included with an income tax refund, this amendment is being made in order to make the Regulations consistent with the *Income Tax Act*.

Legal authority: *Canada Pension Plan* - Regulation 35

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

Employment Insurance Act

RC/R-22-L

Collection of Premiums

These amendments to the *Employment Insurance (Collection of Premiums) Regulations* are necessary to reflect changes in the *Employment Insurance Act* and jurisprudence; to coordinate the policies of this department with those of Human Resources Development Canada concerning the recording of earnings and the determination of insurable earnings and to simplify and clarify the Regulations to achieve uniformity of interpretation.

Amendments to the Schedule to the Regulations are required to change source deduction tables for employers to reflect revised insurable earnings and premium rates as determined in accordance with the *Employment Insurance Act*. The impact of revised insurable earnings and premium rates cannot be

determined since these figures are not available at this time.

Legal authority: *Employment Insurance Act*, subsection 75(1)

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-23-L

Part IV - Regulation 25 Refund of Overpayments

The *Insurable Earnings and Collection of Premiums Regulations* will be amended to reflect the 45-day interest-free period specified in the *Income Tax Act* that the department has for issuing a refund of taxes. Since employment insurance overpayments are included with an income tax refund, this amendment is being made in order to make the Regulations consistent with the *Income Tax Act*.

Legal authority: *Employment Insurance Act* - Regulation 25

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

Tax Rebate Discounting Regulations

RC/96-24-L

Tax Rebate Discounting Regulations

Amendments will be made to the prescribed forms set out in the *Tax Rebate Discounting Regulations* to reflect amendments to the *Tax Rebate Discounting Act*, or to reflect the addition of new, or deletion of redundant, administrative requirements.

The precise impact of the amendments cannot be determined at this time.

Legal authority: *Tax Rebate Discounting Act*, section 10

Contact: D.C. Burnett, Senior Policy Analyst,
Legislative Policy Division, Revenue Canada, 123
Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2076; Fax: (613) 941-5932.

Fee Orders

RC/R-25-I

Advance Taxation Rulings Fees Order

These amendments will revise the hourly fees charged to prepare "advance rulings." The revised hourly rates will be in accordance with the government's policy of recovering costs from users of government services. Clients seeking "advance rulings" may pay higher or lower fees, depending on whether costs go up or down.

The amendments will allow the department to recover the increased cost of processing advance rulings requests. They are in keeping with the government's program of cost recovery.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management
Directorate, Revenue Canada, Ottawa, Ontario,
K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-26-I

Taxation Statistical Analyses and Data Processing Services Fees Order

These amendments will revise the fees charged for special services provided by this department. The revised fees will be based on a cost-recovery calculation approved by the Treasury Board.

The services to be provided consist of the use of computers and related services to offer specialized analyses of taxation data, not otherwise available, to provincial governments, other public authorities, educational institutions and private consultants. The analyses provided will not contravene the confidentiality provisions of the *Income Tax Act*.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost users more or less, depending upon whether costs go up or down.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management
Directorate, Revenue Canada, Ottawa, Ontario,
K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-27-I

Registered Charities Information Return Fee Order

These amendments will revise the fees charged for making photocopies of charitable organizations' returns for external users. The revised fees will be based on a cost-recovery calculation approved by the Treasury Board.

Revenue Canada receives requests for photocopies of charitable organizations' returns from provincial authorities, educational institutions and other interested parties.

Subsection 149.1(15) of the *Income Tax Act* provides that this information may be given to the public and does not contravene the confidentiality provisions of the Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost users more or less, depending upon whether costs go up or down.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-28-I

Revenue Canada Taxation Technical Publication Subscription Service Fees Order

These amendments will revise the subscription fees charged for the service of automatically mailing publications issued by the department regarding income tax matters (interpretation bulletins, information circulars, income tax technical news and income tax rulings).

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of recovering costs from users of government services. They may cost users more or less, depending upon whether costs go up or down. Fees for a one- or two-year subscription, as well as for a complete set of current publications, will be amended.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

Miscellaneous

RC/R-29-L

Regulations Under Customs, Excise or Taxation Legislation

Throughout the year, the department receives representations from various organizations and associations regarding the regulations it administers. Their representations, as well as other initiatives to provide improvements for clients and partners, may result in amendments to the regulations.

As the economic or policy impact of such initiatives is not known, a classification with respect to future costs cannot be made at this time.

Legal authority: Various sections of the *Customs Act*, *Customs Tariff*, *Excise Act*, *Excise Tax Act*, *Income Tax Act*, *Canada Pension Plan* and *Employment Insurance Act*

Contacts: For matters pertaining to customs legislation (border services): Paul Colpitts, Manager, Legislation Coordination Unit, Commercial Services Directorate, Revenue Canada, 5th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7075; Fax: (613) 952-5491.; and Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

For matters pertaining to customs legislation (trade administration): Gerry Patterson, Manager, Legislation Development - Trade Agreements, Trade Administration Branch, Revenue Canada, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5; Tel. (613) 954-8839; Fax: (613) 954-2224.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST): C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-5900; Fax: (613) 954-2226.

For matters pertaining to the GST: Stan Farber, Chief, Legislative Policy Division (GST) Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

For matters pertaining to the *Canada Pension Plan*, income tax and employment insurance legislation: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-30-L

Delegation of Minister of National Revenue's Powers and Duties

These amendments reflect changes to the titles of departmental officials following departmental reorganization, legislative changes or reconsideration of the level of administrators to whom certain powers and duties of the Minister of National Revenue are delegated.

Revisions to the regulations under the *Customs Act*, *Canada Pension Plan*, *Income Tax Act* and *Employment Insurance Act* are administrative in nature. Such amendments will not affect the public and will have minimal revenue impact. Members of the public can find out an official's level of authority through these instruments.

Note that the *Customs Act*, *Canada Pension Plan*, *Income Tax Act* and *Employment Insurance Act* are being amended to allow the minister's powers and duties to be delegated by ministerial authorization.

Legal authority: *Customs Act*, section 134 and paragraph 164(1)(a); *Income Tax Act*, paragraph 221(1)(f)

Contacts: For matters pertaining to customs legislation: Paul Colpitts, Manager, Legislation Coordination Unit, Commercial Services Directorate, Revenue Canada, 5th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7075; Fax: (613) 952-5491; and Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

For matters pertaining to customs legislation (trade administration): Steve Mosher, Regulatory Analyst, Legislation Development - Trade Agreements, Trade Administration Branch, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6953; Fax: (613) 952-2093.

For matters pertaining to the *Canada Pension Plan*, income tax and employment insurance legislation:

D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-31-L

Standing Joint Committee for the Scrutiny of Regulations (Miscellaneous Amendments)

Amendments to regulations may be required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments will address certain legal issues, as well as minor wording changes to correct translation discrepancies or grammatical errors.

Although such amendments have a minor economic or policy impact, a classification with respect to future issues cannot be made at this time.

Legal authority: Various sections of the *Children's Special Allowances Act*, *Customs Act*, *Customs Tariff*, *Excise Act*, *Excise Tax Act*/GST and *Income Tax Act*

Contacts: For matters pertaining to the *Children's Special Allowances Act*: Richard Montroy, Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 952-6479; Fax: (613) 941-5932.

For matters pertaining to customs legislation: Paul Colpitts, Manager, Legislation Coordination Unit, Commercial Services Directorate, Revenue Canada, 5th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7075; Fax: (613) 952-5491; and Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

For matters pertaining to the *Canada Pension Plan*, income tax and employment insurance legislation: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST): C. Quesnel, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 954-5900; Fax: (613) 954-2226.

For matters pertaining to the GST: Stan Farber, Chief, Legislative Policy Division (GST) Revenue Canada,

10th Floor, 123 Slater Street, Ottawa, Ontario,
K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

RC/R-32-L

Remissions under Customs, Excise or Taxation Legislation

Throughout the year, circumstances may prompt the Minister of National Revenue to sponsor the introduction of orders in council to remit all or part of the duties or taxes paid or payable under the *Customs Tariff*, the *Excise Act*, the *Excise Tax Act* or the *Income Tax Act*.

These remission orders usually have a minimal revenue impact and are a means of redressing inequitable situations.

Legal authority: *Customs Tariff*, section 101 and *Financial Administration Act*, subsection 23(2)

Contacts: For matters pertaining to customs legislation: R.A. Struthers, Chief, Carrier and Cargo Policy, Reporting, Release and Examination Policy Division, Commercial Services Directorate, Revenue Canada, 5th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7198; Fax: (613) 957-9717; and Dave Hotchkiss, Manager, Remission Policy Unit, Duties Relief Programs Directorate, Trade Administration Branch, Revenue Canada, 6th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-9971.

For matters pertaining to the *Customs Tariff*: K. Holmes, A/Secretary, Interdepartmental Remission Committee, Duties Relief Programs Directorate, Trade Administration Branch, Revenue Canada, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6937; Fax: (613) 952-3971.

For matters pertaining to the GST: Mike McGlynn, Chief, GST Rulings and Interpretations, Revenue Canada, 10th Floor, Tower C, Place Vanier, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-0181, Fax: (613) 990-3602.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST): Keith Hudson, Director, Excise Taxes and Special Levies, Revenue Canada, Place Vanier, Tower C, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to the *Excise Act*: Sandra Extence, Director, Excise Taxes and Special Levies, Revenue Canada, Place Vanier, Tower C, 25 McArthur

Avenue, Vanier, Ontario, K1A 0L5.
Tel.: (613) 957-8637; Fax: (613) 954-2226.

For matters pertaining to the *Income Tax Act*: Paul Lynch, Chief, Field Liaison and Technical Projects Section, Revenue Canada, 15th Floor Albion Towers, Ottawa, Ontario, K1A 0L8. Tel. (613) 957-8973; Fax: (613) 957-2088.

Future initiatives

Customs Border Services Branch

Accelerated Commercial Release Operations Support System (ACROSS)

The Accelerated Commercial Release Operations Support System (ACROSS) was implemented successfully, and has been available to importers and their agents since April 22, 1996. The ACROSS system makes it possible for all aspects of the reporting and release of commercial goods to take place by electronic data interchange (EDI). The system is open to importers, customs brokers, transport companies and other importers' agents. Those who intend to sign on to ACROSS need to get a participant requirement document (PRD), which gives Customs key information about the participant, and gives the participant technical information about the system.

The cargo reporting aspect of ACROSS allows transport companies, customs brokers and other importers' agents to report commercial goods by EDI before the goods actually arrive in Canada. This measure should expedite the processing of commercial goods at Canadian borders.

Due to ACROSS, changes were required to the legislation and regulations. The *Customs Act* and associated regulations have been changed to allow cargo reporting by EDI; to distinguish between the date of reporting and the date of importation; to allow agents of the importer that are not transport companies to report cargo by EDI; and to provide flexibility in the reporting requirements of those who choose to report by EDI.

With ACROSS, importers, customs brokers and other importers' agents are permitted to submit interim accounting by EDI, allowing Customs to release the goods without hard-copy documentation. While this procedure expedites the release of commercial goods without excessive paperwork, the *Customs Act* and related regulations require changes to accommodate it. The *Customs Act* must create a legislative base for

interim accounting by EDI, for the purposes of release. These modifications to the relevant regulations will promote the use of EDI by offering flexible alternatives to submitting invoices, certificates, licenses and other paperwork required by the department in order to release goods.

The ACROSS system also created the need for other legislative changes, since it introduced the concept of 24-hour release by EDI, modified record-keeping requirements for importers' agents and cargo carriers, and permitted communication of EDI information to the United States.

With the introduction of ACROSS, new business opportunities will be available to the department and its clients. For instance, a client might be able to transmit data to the department that the automated system could profile against certain criteria to generate a decision or recommendation. This concept, referred to as machine release, is a departmental priority, because it will decrease costs and shorten release times. The release or release recommendation process will be transparent to the client. When transmitting RMD data electronically, importers and brokers will be encouraged to provide the HS classification; however, provision of the HS classification will not guarantee that the goods will be machine released. Referrals will still be made, as they are today, along with rejection for missing or incorrect data.

In another example, a client might be able to transmit customs data to the department for shipments that have Agriculture and Agri-Food Canada (AAFC) requirements. The data will pass through the ACROSS selection criteria established by AAFC.

The importing community will have access to an AAFC reference tool to determine agricultural import requirements and related agricultural supplementary codes. An internal version of the reference tool will provide risk management information that the department will input into the ACROSS selection system. The customs release data and the agricultural codes will then be sent electronically to Customs for processing. The data will pass through the ACROSS selection criteria established by AAFC and Customs. This process will determine the agricultural import requirements that apply to that shipment. Low-risk shipments will be released by Customs with a copy being sent to AAFC for information purposes. High-risk shipments will be sent electronically to AAFC for approval. Shipments that require inland inspection by AAFC will be tracked within the AAFC system.

The anticipated completion date for these initiatives is early 1997.

ACROSS continues the department's progress toward expedited customs release that is the ultimate effect of the use of EDI. ACROSS is one more step toward the complete electronic conversion of all customs commercial activities, including cargo reporting, release and detailed accounting.

Classification: Intermediate-cost initiative

Contact: Betty Lou Daye, A/Project Manager, Program Development Division, Commercial Services Directorate, Revenue Canada, 17th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 952-1074; Fax: (613) 941-0869.

Accounting for Imported Goods and Payment of Duties Regulations - Release of Commercial Goods

The *Accounting for Imported Goods and Payment of Duties Regulations* will be amended to clearly make it an offence for an importer or broker to have commercial goods released before the goods arrive in Canada.

It is necessary to ensure that the release of commercial goods prior to their arrival in Canada is an offence as this practice gives an unfair advantage for importers who engage in it. This amendment will ensure that Customs can examine goods before they are released to importers or brokers.

Classification: Intermediate-cost initiative

Contact: Betty Lou Daye, A/Project Manager, Program Development Division, Commercial Services Directorate, Revenue Canada, 17th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 952-1074; Fax: (613) 941-0869.

Presentation of Persons (Customs) Regulations (CANPASS)

Section 11 of the *Customs Act* requires that travellers present themselves at a customs office on arrival in Canada. The department is seeking an amendment to this provision that will require travellers arriving in Canada by private aircraft or private boat to provide Customs with advance notice of their place and time of arrival. Travellers who are participants in the CANPASS program for private aircraft or private boats will be exempted from this requirement. The details of the requirement to provide advance notice will be reflected in amendments to the *Presentation of*

Persons (Customs) Regulations. These regulations will be amended to:

- set out the obligation to report to Customs before arrival;
- specify authorized points of entry for CANPASS permit holders and non-permit holders; and
- exempt CANPASS permit holders from the requirement to contact Customs before arrival, subject to certain conditions.

Section 11 of the *Customs Act* will also be amended to require commercial passenger carriers to provide advance information concerning passengers travelling on board their conveyances destined for Canada. This information will allow Customs to perform intelligence database checks on arriving passengers, making it easier to target and identify high-risk travellers.

The details of these requirements will be set out in amendments to the *Presentation of Persons (Customs) Regulations*. These regulations will be amended to

- specify the period of time before arrival in which passenger information must be provided, as well as the nature and format of the information;
- set out the manner in which the department may use the information;
- reflect any conditions established for the use of the information in the *Privacy Act* and the *Access to Information Act*; and
- authorize the department to provide the information to other law enforcement agencies.

Classification: Intermediate-cost initiative

Contact: Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

Presentation of Persons (Customs) Regulations - Clearance of In-Transit Passengers

The *Customs Act* requires travellers to present themselves to Customs on arrival in Canada. An exemption from this requirement is provided by section 3 of the *Presentation of Persons (Customs) Regulations* for in-transit passengers arriving on board commercial carriers.

The circumstances in which this exemption is available will be modified to accommodate situations where in-transit passengers destined for the United

States are precleared in Canada. This proposal reflects the extension of a one-stop preclearance process to in-transit passengers, which is currently being considered.

Classification: Low-cost initiative

Contact: Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

Reporting of Exported Goods Regulations

The *Reporting of Exported Goods Regulations* outline the manner, time and place for reporting goods exported from Canada. Statistics Canada uses information obtained from the export report to compile Canada's export trade statistics. Revenue Canada uses the information to enforce exporters' compliance with various acts of Parliament that prohibit, control or regulate the export of goods from Canada.

An overall policy review of the export reporting program has been undertaken, with the aim of ensuring a more effective export reporting program that minimizes the cost of compliance for the exporting community.

Regulatory changes will be required to implement a new export reporting program.

Classification: Low-cost initiative

Contact: Doug Waldie, Chief, Export Policy, Reporting, Release and Examination Policy Division, Commercial Services Directorate, Revenue Canada, Connaught Building, 5th Floor, 55 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6986; Fax: (613) 952-1698.

Reporting of Imported Goods Regulations

Section 12 of the *Customs Act* establishes reporting requirements for travellers. The department is seeking an amendment to this provision that will require travellers arriving in Canada by private aircraft or private boat to provide Customs with advance notice of their place and time of arrival. Travellers who are participants in the CANPASS program for private aircraft or private boats will be exempted from this requirement.

This change will be reflected in amendments to the *Reporting of Imported Goods Regulations*. The Regulations will be amended to

- set out the requirement to report before arrival;

- specify authorized points of entry for permit holders and non-permit holders; and
- allow permit holders to report their goods before arrival and to have these goods assessed and released through automated systems.

Classification: Intermediate-cost initiative

Contact: Emma Porter, Chief, Program Development, Travellers Directorate, Revenue Canada, 7th Floor, Connaught Bldg, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6959; Fax: (613) 952-2093.

Storage of Goods Regulations

The *Storage of Goods Regulations* outline the procedures to be followed when storing in-bond goods pending their release from, or disposal by, Revenue Canada. These regulations prescribe the time limits after which goods may be moved to a place of safekeeping and set out the applicable storage charges.

The Treasury Board has requested that the department review the schedule of storage charges to ensure that they are consistent with current operating costs.

The department will consult mainly with the Canadian Highway Sufferance Warehouse Association to determine existing market storage rates.

Classification: Low-cost initiative

Contact: P. Wallace, Chief, Warehouse Licensing Section, Licensing and Revenue Accounting Division, Commercial Services Directorate, Revenue Canada, 5th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7193; Fax: (613) 957-9717.

Trade Administration Branch

Foreign Missions and International Organizations

With the consolidation of the *Diplomatic and Consular Privileges and Immunities Act* and the *Privileges and Immunities (International Organizations) Act* under the *Foreign Missions and International Organizations Act*, certain provisions of the *Customs Tariff* may need amendment; several customs regulations and orders may also require related amendments.

Consultations with Foreign Affairs and International Trade and the Department of Finance are required to determine what is to be amended.

Classification: Low-cost initiative

Contact: R. Dods, Manager, Unit 4B, Consumer and Industrial Products, Tariff Programs Division, Trade Administration Branch, Revenue Canada, 6th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

Canada-Israel Free Trade Agreement

The *Canada/Israel Free Trade Agreement* will provide expanded trade opportunities for Canadian businesses. This agreement will also entail a number of legislative and regulatory measures. New regulations will be needed to deal with such matters as rules of origin, certification of origin, verification of origin, and advance rulings for Canadian importers and Israeli exporters.

As well, amendments to existing regulations would affect the *Exporters' and Producers' Records Regulations* and the *Proof of Origin of Imported Goods Regulations*, both made pursuant to provisions of the *Customs Act*.

As was the case with NAFTA, new and amended regulations will be needed by both Canada and Israel to specify the rules for applying the provisions of this trade agreement. The use of non-regulatory alternatives would be impractical.

Classification: Major initiative

Contact: Colleen Brock, Manager, Origin Negotiations, Origin Determination Directorate, Trade Administration Branch, Revenue Canada, 1st Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6862; Fax: (613) 941-8138.

Canada-Chile Free Trade Agreement

The anticipated *Canada/Chile Free Trade Agreement*, which would precede Chile's accession to NAFTA, will provide expanded trade opportunities for Canadian businesses. This agreement will also entail a number of legislative and regulatory measures. New regulations will be needed to deal with such matters as rules of origin, certification of origin, verification of origin, and advance rulings for Canadian importers and Chilean exporters.

As well, amendments to existing regulations could affect the *Exporters' and Producers' Records Regulations* and the *Proof of Origin of Imported Goods Regulations*, both made pursuant to provisions of the *Customs Act*.

As was the case with NAFTA, new and amended regulations will be needed by both Canada and Chile to specify the rules for applying the provisions of this trade agreement. The use of non-regulatory alternatives would be impractical.

Classification: Major initiative

Contact: Colleen Brock, Manager, Origin Negotiations, Origin Determination Directorate, Trade Administration Branch, Revenue Canada, 1st Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6862; Fax: (613) 941-8138.

North American Free Trade Agreement (NAFTA) - Accession of Chile

The accession of Chile to NAFTA would further expand trade opportunities for Canadian businesses. In the event that Chile joins NAFTA, legislative and regulatory changes will be required. A number of regulations already made pursuant to provisions of the *Customs Act* and the *Customs Tariff* would require amendment to reflect Chile as a full partner in NAFTA, and to extend all the rules that apply to the current members of the Agreement.

Classification: Major initiative

Contact: Colleen Brock, Manager, Origin Negotiations, Origin Determination Directorate, Trade Administration Branch, Revenue Canada, 1st Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6862; Fax: (613) 941-8138.

Tariff Simplification - Regulations

In the Budget of February 1994, a three-year comprehensive review of Canada's tariff regime was announced. The review would be designed to update and simplify the legislative provisions of the *Customs Tariff*, thereby improving the overall relevance and transparency of the legislation.

The proposed changes resulting from this review will affect regulations passed under the *Customs Tariff* and the *Customs Act*. Some of the changes include combining or eliminating a large number of provisions; fully or partially replacing many concessionary codes with tariff lines in the Schedule to the *Customs Tariff*; converting the Machinery Program remission system to statutory tariff lines; and repealing or replacing almost 400 tariff regulations and remission orders. In Part I of the November 11, 1995 issue of the *Canada Gazette*, the Department of

Finance published a list of the regulations and remission orders that have been proposed for complete repeal or replacement with new tariff items in the Schedule to the *Customs Tariff*.

It is expected that this initiative will be implemented in 1998.

Classification: Major initiative

Contact: Stewart Milloy, Tariff Policy and Nomenclature Development, Tariff Programs Division, Trade Administration Branch, Revenue Canada, 6th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6926; Fax: (613) 952-4074.

Excise Duties and Taxes

Excise Act - Review

The *Excise Act* levies excise duties on alcohol and tobacco products and places controls on their production and distribution. The Act is antiquated in many key respects and is in need of reform. Both Revenue Canada and the Department of Finance are currently reviewing it.

The objectives of the review are to develop a tax structure and administration that continue to safeguard the tax revenue received from alcohol and tobacco products, and to streamline and simplify the legislation to provide a fair and modern tax structure that minimizes the impact of government tax policies on the industries affected.

The review group will consult with licensees under the Act, industry associations and other stakeholders at various stages of the review.

Classification: Low-cost initiative

Contact: F. O'Riordan, Director General, *Excise Act* Review, Revenue Canada, 7th Floor, 555 Mackenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 941-3001; Fax: (613) 941-2999.

GST - Review

Since implementation of the goods and services tax (GST) in 1991, Revenue Canada, in conjunction with the Department of Finance, has simplified the applicable legislation and regulations.

Revenue Canada has also sought opportunities to simplify compliance measures associated with the tax by reducing the administrative burden imposed on taxpayers. This effort has already resulted in significant legislative and administrative changes,

including eliminating the requirement to file various forms, simplifying the processes for calculating and remitting tax, and relaxing filing requirements.

Revenue Canada will continue to play a vital role in the ongoing GST review process, which includes reviewing the current tax to make it fairer to consumers and simpler for the small business sector, and to harmonize it with provincial sales taxes. These initiatives could require amended regulations.

Classification: Too difficult to determine now but could be major

Contact: Stan Farber, Chief, Legislative Policy Division (GST), Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 954-0896.

Income Tax

Business Re-engineering

The department has embarked on a competitive program of business process re-engineering to enhance the integrity and credibility of the revenue administration in the eyes of Canadians. Additionally, the expected efficiency and productivity enhancements will increase our capacity to respond more quickly and effectively to fiscal, legislative, technological and societal changes, and will reduce costs and burdens in the private sector.

Proposed legislative changes to support the harmonization of collection activities and the integration of accounting, both integral parts of the business re-engineering initiative, may make regulatory changes necessary.

Classification: Major initiative

Contact: Drew Burnett, Senior Policy Analyst, Legislative Policy Division, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

Simplification

The department continually consults with its stakeholders concerning its regulatory-type programs and administrative policies. As a result, it has reduced requirement for reporting of financial transactions by financial institutions, simplified guides and returns, and clarifying information circulars and interpretation bulletins. The efforts to simplify procedures and ease compliance will continue during 1996 and subsequent years through consultations with affected parties.

With its stakeholders, the department continually re-examines regulations affecting the deduction of income tax, *Canada Pension Plan* contributions and Employment Insurance premiums at source, as well as regulations governing the reporting of various financial transactions on information slips.

Classification: Too difficult to determine now but could be major

Contact: G.J. Murray, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2079; Fax: (613) 941-5932.

Quarterly Remitting for Small Businesses

Small business representatives have repeatedly expressed their dissatisfaction with the frequency with which they must remit their payroll taxes. They believe that the administrative burden is disproportionately heavier for the very smallest businesses.

The Joint Public-Private Sector Forum on Paper Burden Reduction Initiatives, as well as Revenue Canada's Small Business Advisory Committee, recently recommended that small employers be allowed to remit less frequently than monthly.

The department will explore, in concert with the Department of Finance, the possibility of allowing small employers to remit payroll deductions quarterly. Any move toward allowing more flexibility in remitting payroll taxes will be carefully balanced against the fact that these are trust funds, and will ensure that any risk is contained.

This initiative would require regulatory changes.

Classification: Major initiative

Contact: Guy Proulx, Interim Director, Trust Accounts Division, Revenue Canada, 7th Floor, 400 Cumberland Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 954-1284; Fax: (613) 941-2952.

Solicitor General Canada

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General information

Roles and responsibilities

Solicitor General Canada comprises of four agencies: the Royal Canadian Mounted Police (RCMP), the National Parole Board (NPB), the Correctional Service of Canada (CSC) and the Canadian Security Intelligence Service (CSIS); and three review bodies: the RCMP External Review Committee, the RCMP Public Complaints Commission and the Inspector General of the Canadian Security Intelligence Service. The ministry also includes the Office of the Correctional Investigator and the department, which provides advice to the Solicitor General on policing, corrections and national security, and advises on ministry policy.

Legislative mandate

The Solicitor General administers:

- *Canadian Security Intelligence Service Act*
- *Corrections and Conditional Release Act*
- *Criminal Records Act*
- *Department of the Solicitor General Act*
- *Prisons and Reformatories Act*
- *Royal Canadian Mounted Police Act*
- *Transfer of Offenders Act*

Administrative arrangements

The ministry's additional operational responsibilities are carried out under the following acts:

- *Controlled Drugs and Substances Act (Bill C-8)*
- *Diplomatic and Consular Privileges and Immunities Act*
- *Identification of Criminals Act*
- *Immigration Act*
- *Official Secrets Act*
- *Security Offences Act*

Operational responsibilities also include certain sections of the *Criminal Code* relating to electronic interception, designation of fingerprint and counterfeit examiners, and the Firearms Annual Report, which are administered by other departments. The RCMP enforces all federal statutes when they are not under the jurisdiction of another department or agency.

Initiatives for 1997

SGC/R-1-L

Transfer of Offenders Act - Schedule

The *Transfer of Offenders Act* enables Canada to negotiate multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The Schedule to the Act lists those countries with whom Canada has concluded treaties. The amendment to the Schedule, a routine initiative, has appeared in previous regulatory plans and will continue to be undertaken each time a country ratifies a treaty with Canada respecting the *Transfer of Offenders Act*.

Few Canadians and fewer foreign nationals will be affected by the ratification of an agreement with Canada. The subsequent changes to the Schedule will ensure that all interested parties are made aware of these changes.

Legal authority: *Transfer of Offenders Act*, section 23

Contact: Bill Wilson, Corrections Branch, Solicitor General Canada, 11th Floor, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 991-2812; Fax: (613) 990-8295.

SGC/94-2-L

Controlled Drugs and Substances Act

The *Controlled Drugs and Substances Act* (Bill C-8) was passed and received Royal Assent on June 20, 1996. The Act consolidates and replaces the *Narcotic Control Act* and parts III and IV of the *Food and Drug Act*. The Act provides for the fulfillment of Canada's international obligations under the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and some aspects of the Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Subsection 54(2) of the *Controlled Drugs and Substances Act* provides for the making of law enforcement-related regulations on the recommendation of the Solicitor General. The Regulations provide for specialized investigative techniques, such as controlled deliveries and similar measures, to support implementation of the Act. These regulations will be re-published, with some minor revisions, upon the finalisation and publication of Health Canada's regulations pursuant to the Act. The costs associated with the Regulations will add incrementally to the cost of RCMP and other police

enforcement of the Act, but should be outweighed by the benefits derived from enhanced enforcement.

Legal authority: *Controlled Drugs and Substances Act*, subsection 54(2)

Contact: Michel Perron, Senior Policy Analyst, Law Enforcement Strategy Group, Solicitor General Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 990-7039; Fax: (613) 993-5252.

National Parole Board

NPB/96-1-L

Regulations Resulting from the Program and Agency Review

As a result of the Program and Agency Review, which was carried out during the summer of 1994, a number of recommendations were submitted and approved by the Minister and the Government. The resulting regulations, sections 147 to 154 (quorum), 157 and 158 (time period for review following an application for full and day parole), and 164 (stipulating cases which must be reviewed by way of a hearing), have been developed for review by the Regulations Section-Justice, and subsequent approval.

Legal authority: *Corrections and Conditional Release Act*

Contact: Chris Trowbridge, Policy Analyst, Policy, Planning and Operations Division, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-5912; Fax: (613) 957-3241.

Correctional Service of Canada

CSC/94-3-L

Urinalysis

Sections 60 to 72 of the Regulations prescribe a procedure of urine testing, known as urinalysis, for offenders under the authority of the Correctional Service of Canada. The purpose of conducting such testing is to reduce the incidence of substance abuse by both incarcerated offenders and those on conditional release in the community. The Regulations contain stringent safeguards to protect the rights of individuals who are asked to undergo testing.

The current procedure requires every urine sample that is collected from an offender to be sent to an outside laboratory for analysis. Laboratory fees are substantial even when a sample tests negative. This inflates the overall cost of administering a program in which the primary focus is on detection of substance

abuse through positive test results. Moreover, the usual waiting period of several days to obtain the results of a laboratory analysis can be disruptive to inmate program schedules.

It is proposed to amend the Regulations to permit the use of a pre-screening procedure which would enable Service staff to conduct initial on-site tests of samples, using relatively inexpensive portable equipment. These tests would require the offender's voluntary consent. Only those samples that tested positive in the pre-screening would be submitted to the laboratory for confirmatory analysis. A negative test in the pre-screening would result in no further action. An offender who tested negative would therefore not be subject to sanction and could immediately resume normal activities and participation in programs.

The technology to conduct on-site pre-screening tests is rapidly developing, and as equipment of an acceptable standard becomes available the Service expects to be able to realize significant cost savings as well as improve the effectiveness of the urinalysis program.

Legal authority: *Corrections and Conditional Release Act*, section 54 and subsection 96(m)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/95-1-L

Administrative Segregation of Inmates

It is sometimes necessary to remove inmates from the general population of a penitentiary for their own safety, the safety of other persons or the security of the penitentiary. They are held in a special controlled area of the penitentiary allowing limited or no contact with other inmates until the factors that required them to be segregated are no longer present. Segregated inmates are entitled to have their cases reviewed by a board of penitentiary officials no more than five days after they are placed in segregation and at least every 30 days thereafter. Under this procedure, the inmate must receive notice of the review hearing at least three days before it is held, in order to have the opportunity to prepare his or her case. This three-day interval generally benefits the inmate; however, there are occasions when it means that he or she spends a longer period in segregation than might otherwise be the case, particularly when the board is likely to

release the inmate back to the general population after the initial review.

To maintain this important procedural safeguard while allowing some flexibility, it is proposed that the Regulations be amended to give the inmate the option of waiving the three-day period, thus enabling the review hearing to be held sooner in some situations.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(g)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/95-3-L

Deductions from Inmates' Income for Room and Board

Current legislation allows the Correctional Service of Canada to deduct monies from the pay inmates receive through penitentiary employment in order to recover a portion of their room and board costs. There is, however, no authority to make such deductions from income inmates may receive from outside employment or from other sources such as pensions. Proposed amendments to the *Corrections and Conditional Release Act* will provide this authority. Regulations will be needed to specify the sources of income to be subject to room and board and other deductions, such as fines; the amounts of the deductions; and the manner in which they are to be applied. A ceiling would be placed on the deductions based on the amount by which the inmate's gross income exceeds the maximum rate of pay available through institutional employment. This would ensure that the inmate does not suffer financial hardship as a result of an onerous deductions scheme.

Legal authority: An enabling amendment to section 78(2) of the *Corrections and Conditional Release Act* is pending under Bill C-45

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/95-4-L

Disposal of Goods and Services produced by CORCAN

Current regulations state that goods and services produced by CORCAN (the Special Operating Agency responsible for penitentiary industries) may be "transferred, leased, loaned or provided to" government agencies, charitable organizations and purchasers on the open market. A minor amendment specifying that "provided to" includes sale and rental will remove any possible ambiguity as to the authorized means of disposal of CORCAN products.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(s)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/94-1-L

Disclosure of Information to Victims

Under the current regulations, the authority to disclose information to victims under section 26 of the *Corrections and Conditional Release Act* rests with Correctional Service of Canada officials who are assigned specific responsibility for liaison with victims. This designation is too narrow. The officials responsible for coordinating victim liaison services are not normally the staff who, on a day-to-day basis, are contacted by victims requesting specific information about offenders. Such staff are located in institutions and parole offices, and have immediate access to the information being sought. It is therefore proposed that the authority for release of information to victims be included under the general authorization provisions of the Regulations. This would make it possible to authorize operationally appropriate staff members to disclose information to victims.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(z.9)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/94-7-L

Searches of Inmates

The current regulations set out the circumstances in which a staff member of the same sex as the inmate may conduct a routine strip search of the inmate for the purpose of detecting contraband or other unauthorized objects. These circumstances include the situation where an inmate is entering or returning to a penitentiary, but not where he or she is leaving the institution.

The lack of authority to strip search an inmate leaving a penitentiary creates significant risks, particularly where the inmate is on an escorted temporary absence. It is possible for an inmate to conceal a weapon capable of being used against the escort which would be undetectable except through a strip search. It is therefore proposed to amend the Regulations to correct this omission.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(l)(iii)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/94-4-L

Interception of Inmate Communications

The *Corrections and Conditional Release Act* provides a general right to inmates to have reasonable contact with persons outside the penitentiary, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

The Regulations specify the conditions in which authorization may be given for letters to and from inmates to be opened and read, or their conversations either by telephone or during visits listened to. The terms of the Regulations have caused operational problems because they do not adequately take into account the differences between communications which occur within the institution, such as conversations between inmates and their visitors, and those in which one of the parties is outside the institution, as is the case with mail or telephone conversations.

Visits occur within what is deemed to be the non-private environment of the penitentiary. The ability to monitor inmate-visitor conversations is essential because of the opportunity that they provide to arrange the smuggling of drugs or to plan other

activities dangerous to the security of the institution. Not only are signs posted informing inmates and visitors that their conversations may be monitored, but a procedure is also being instituted to ensure both parties give written consent to this effect when applying for approval of visits. It is therefore proposed that the Regulations be amended to exclude visits from the restrictions that the Regulations apply to interception of communications. However, visits between inmates and persons designated as enjoying a right of privilege (parliamentarians, legal counsel etc.) would still be afforded appropriate protections.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(z)(7)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/94-5-L

Allowances to Released Offenders

The Regulations provide for the Service to grant an allowance to offenders on temporary absence, work release, parole or statutory release to enable them to meet their basic material needs and to comply with the requirements of their release plan. The current wording, however, makes it appear that the Service is obliged to pay an allowance in all cases, even when the offender may, through wages or other income, have the means to be completely self-supporting. This was not the intent, and it is proposed that the subsection be amended to clarify that the Service will grant an allowance in proportion to the offender's ability to contribute to meeting his or her expenses.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(f)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715; E-mail: mohlmann@istar.ca

CSC/97-1-L

Searches of Inmates Entering a Work or Activity Area

The regulations allow for the routine non-intrusive search of an inmate only upon leaving a work or activity area in a penitentiary. No provision is made for allowing a similar search of an inmate who is

entering the work area. The absence of this authority limits the Service's ability to detect and intercept weapons and other contraband entering the workplace. There has been at least one recent violent incident involving the use of a weapon brought into the workplace by an inmate. To prevent further incidents of this type, the Service is proposing that the Regulations be amended to permit the search of an inmate upon entering and leaving a work or activity area.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(l)(i)(ii)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715, E-mail: mohlmann@istar.ca

Royal Canadian Mounted Police

RCMP/97-1-L

RCMP Administrative Discharge for Failure to meet the PARE Standard

The RCMP is considering whether to amend *Regulation 19*, to deal with the physical ability requirement evaluation (PARE) testing, should it become necessary in the near future. This amendment would add as a cause for administrative discharge the failure to meet the PARE when required to do so. A possible target date has been established for the year 2000.

Legal authority: *Royal Canadian Mounted Police Act*, subsection 21(1)

Contact: Jean Bonneau, Chief Fitness and Lifestyle, Health Services Directorate, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel.: (613) 993-3560; Fax: (613) 993-0934.

RCMP/97-2-L

RCMP Corporate Initiatives

The reorganization of the RCMP may require amendments relating to the administration of the Force. The services the RCMP provides to foreign law enforcement agencies will also require some amendments to these regulations.

Legal authority: *Royal Canadian Mounted Police Act*, subsection 21(1)

Contact: C. Costain, Audit, Evaluation and Corporate Services Directorate, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-3620; Fax: (613) 993-4453.

RCMP/97-3-L

RCMP Canadian Police College (Cost Recovery)

The RCMP will pursue an amendment to the *Canadian Police College User Fee Regulation* to change the basis of determining user fees in order to give the RCMP flexibility to change training courses.

Legal authority: *Financial Administration Act*, section 19

Contact: Sgt. R.M. Thompson, Administration and Finance, Canadian Police College, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel.: (613) 998-5337; Fax: (613) 990-9738.

RCMP/95-4-L

RCMP Pension Continuation Regulations

The RCMP plans to amend the *RCMP Pension Continuation Regulations* to add provisions for the recovery of excess benefits paid to annuitants. These amendments will allow the *RCMP Pension Continuation Regulations* to conform to other federal superannuation regulations. These amendments are similar to those which will be made to the *RCMP Superannuation Regulations*.

Legal authority: *RCMP Pension Continuation Act*, subsection 20.1

Contact: Insp. K.M. Mole, Compensation Policy and Systems Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-1418; Fax: (613) 993-0795.

RCMP/95-5-L

RCMP Long Service Medal Regulations

Members of the RCMP may be awarded a medal or clasp in recognition of long service and good conduct in the Force. The RCMP intends to amend the *RCMP Long Service Medal Regulations* to conform with the RCMP Act and *RCMP Regulations, 1988*, and to introduce a clasp in recognition of 40 years service.

Legal authority: Royal Warrant signed by King George V, March 6, 1934

Contact: Joan Proulx, Honours and Protocol Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-3582; Fax: (613) 993-0795.

RCMP/94-1-L

RCMP Regulations, 1988 - Code of Conduct

The *RCMP Regulations, 1988* will be amended to provide greater specificity relating to contraventions of the Code of Conduct, as well as to provide a more structured code of conduct.

Legal authority: *Royal Canadian Mounted Police Act*, section 38

Contact: S/Sgt. G. Malec, Policy Development and Implementation Section, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-7635; Fax: (613) 952-0618.

RCMP/93-9-L

RCMP Regulations, 1988 - Political Activity

The *RCMP Regulations, 1988* will be amended to reflect the extent and the conditions under which members of the Royal Canadian Mounted Police will be permitted to participate in political activities.

Legal authority: *Royal Canadian Mounted Police Act*, section 38 and subsection 21(1)

Contact: S/Sgt. G. Malec, Policy Development and Implementation Section, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-7635; Fax: (613) 952-0618.

RCMP/R-1-L

RCMP Regulations, 1988 (General)

The *RCMP Regulations, 1988* were introduced in June 1988, in conjunction with the proclamation of substantial amendments to the *RCMP Act*. These regulations are used for the management of the RCMP and must be amended on an ongoing basis to reflect the ever-changing needs of the RCMP. The initiatives being developed are in relation to the discharge of members and conflict of interest.

Legal authority: *Royal Canadian Mounted Police Act*, subsection 21(1)

Contact: M^r Jacques Courteau, Officer in charge, Special Advisory Section, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier

Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-4249; Fax: (613) 952-0618.

Future initiative

National Parole Board

Corrections and Conditional Release Regulations

The *Corrections and Conditional Release Act*, Part II, replaced the *Parole Act*. It is anticipated that experience with the provisions of the new legislation may demonstrate the need for further regulatory initiatives to ensure that the purposes and principles enunciated in the Act are implemented effectively, fairly and efficiently.

Classification: Low-cost initiative

Contact: Chris Trowbridge, Policy Analyst, Policy, Planning and Operations Division, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-5912; Fax: (613) 957-3241.

Transport Canada

Initiatives for 1997

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Regulatory approach

The challenges - The transportation industry is particularly sensitive to changes in the economic, political and social environment. Major changes are occurring on the international front, particularly as the trend towards economic globalization continues. Increased openness of the Canadian economy, particularly since the mid-1980s, has accelerated the economic restructuring already underway.

Financial constraints on governments, competitive pressures on industry and slower growth in the income of travellers are affecting both the demand for transportation services and the way in which the sector provides those services. It is imperative that the transportation system adjust to these new realities to facilitate future economic prosperity.

Despite many past successes and significant achievements, Canada's transportation system has not always been an advantage to Canadian businesses and consumers. In 1993, Transport Canada undertook a comprehensive review of the Canadian transportation system and found that the system was over-built, over-subsidised and not sufficiently responsive to user and local needs.

Transport Canada's new direction - Since 1994, Transport Canada has been in the forefront of the federal government's Program Review. It developed a vision to help meet the challenges in the transportation sector that will take the department into the 21st century, and will reduce costs and streamline operations. While Transport Canada has responded to Program Review, it should be recognized that this department's own transition

projects go much further. The department is developing an integrated plan for the transportation sector as a whole to assure efficient, reliable, safe, competitively priced and environmentally sound transportation systems.

Policy framework - Transport Canada has developed a new policy framework that emphasizes a national vision of safety, efficiency, industry viability and environmental responsibility. It is pursuing initiatives in all modes that will:

- reduce the system's direct reliance on subsidies;
- promote efficiency and allow rationalization of infrastructure;
- encourage a competitive system to meet essential needs of Canadians;
- foster an environment that enhances the viability of the transportation system;
- make the transportation system more responsive to changing user demands;
- prevent excessive regulation of operations; and
- encourage good management.

Expected benefits - The department's transition strategy will yield annual savings of approximately \$1.1 billion by 1997/98, and likely more by the year 2000. The size of Transport Canada will be dramatically reduced to fewer than 3,500 employees. More importantly, however, the strategy will lead to an integrated and affordable national transportation system that is more responsive to user and community needs. For example:

- Commercialization will bring market discipline and business principles to the operation of Canada's airports, the air navigation system, marine infrastructure and other services. It will mean more responsive services, more local or user input, better capital planning, access to private financing and faster approval processes.
- Costs will be reduced as services are commercialized, overcapacity is eliminated, subsidies are phased out and regulations are streamlined.
- Community groups and those who use the system will have a greater say in how, when and where services are provided and how they should be financed.

Regulatory vision - Transport Canada's regulatory vision is to reduce and simplify the department's regulatory activity, while ensuring appropriate levels of safety. The department is committed to ongoing efforts to regulate better and to pursue alternatives to regulations.

Working in partnership with stakeholders and central agencies, the department will introduce regulatory reforms that will yield a smaller, more understandable, efficient and flexible regulatory regime. Reforms are intended to impose lower costs on the transportation industry by fostering a more systematic approach to business impact analysis, and to encourage co-operation and compliance with regulatory requirements. Reforms are also intended to enable the department to respond more quickly and with greater flexibility to emerging regulatory issues. Ultimately, they will contribute to Canadian competitiveness and support Transport Canada's efforts to maintain a safe, secure and environmentally responsible Canadian transportation system.

The department has already taken the first major step by consolidating most regulatory programs under the Safety and Security Group. This reflects the department's move from an organization integrally involved in operating the transportation system to an organization with a strong role in promoting the safety and security of the transportation system. The approach now is to focus on several key initiatives that will further clarify and simplify the department's regulatory activity:

Implementing the Regulatory Review - The comprehensive Regulatory Review that Transport Canada completed in 1993 provides a blueprint for the department's future core business of regulation. Implementing of the recommendations will result in the elimination or revision of almost half of Transport Canada's regulations. The department will continue to implement the 1993 Regulatory Review recommendations on a priority basis, and will complete most of these by the end of 1997.

**Status as of May 31, 1996 of
Implementation of Regulatory Review Recommendations**

MAJOR AREA	Completed		Still to be completed		
	Revised	Revoked	Revise	Revoke	Review
<i>Canada Shipping Act</i>	1	15	25	40	3
Marine Policy and Programs	1	1	Completed		
<i>Navigable Waters Protection Act</i>	0	0	To Fisheries and Oceans		
<i>Arctic Waters Pollution Prevention Act</i>	0	0	2	0	0
<i>Government Wharves and Public Harbours Regulations</i>	0	0	Superseded by <i>Canada Marine Act</i>		
<i>Motor Vehicle Transport Act</i>	2	0	Completed		
<i>Motor Vehicle Safety Act</i>	17	7	6	1	9
<i>National Transportation Act</i>	0	2	Superseded by <i>Canadian Transportation Act</i>		
<i>Railway Safety Act</i>	5	24	18	0	2
<i>Transportation of Dangerous Goods Act (1992)</i>	1	2	15	0	1
Aviation	15	23	59	4	29
Security	16	2	6	0	3
Airports	0	0	0	1	3
TOTALS	58	76	131	46	50

Implementing the Federal Regulatory Policy - While the department is, to a large extent, already complying with the new Federal Regulatory Policy, Transport Canada is committed to implementing the Federal Regulatory Policy fully in 1997. Transport Canada views this policy as consistent with departmental efforts to regulate better, and to clarify and simplify regulatory affairs.

Establishing a Framework for Managing Transport Canada's Regulatory Affairs - By April 1997, Transport Canada will have fully implemented its framework for managing its regulatory affairs, building on its existing regulatory programs. The Regulatory Affairs Management Framework is the sum of three parts:

- the departmental regulatory policy,
- the departmental regulatory process, and
- the departmental regulatory plan.

The framework will comply with the Federal Regulatory Policy, and will clarify the regulatory functions, responsibilities and processes of the department.

Within this framework, there will be increased use of risk management techniques, and plain language. Regulation will be only one of a range of innovative approaches used to maintain a viable, efficient, safe and environmentally responsible transportation system that supports Canadian competitiveness.

Priorities - Each year, Transport Canada proposes numerous regulatory initiatives. As a result, the department must prioritize its regulatory priorities to ensure a risk-based approach to regulatory processing.

It will set priorities by considering health, safety and environmental issues; deficit reduction or fee increases; Regulatory Review; international

commitments; transition requirements; and administrative or other issues.

General information

Roles and responsibilities

Transport Canada's current mission is to provide policies, regulations and services for the best transportation system. The department consists of policy, regulatory, programs and support groups working at headquarters in Ottawa and at sites across Canada.

To take Canadian transportation into the new century, the department has begun implementing an ambitious transition strategy. Transport Canada is commercializing many of its operational activities, overhauling transportation policy and streamlining regulations, eliminating subsidies and cutting departmental overhead expenditures.

No longer will the department own, operate or subsidize large parts of the transportation system. Instead, the "new" Transport Canada will focus on two core roles. One of these roles is to oversee the transportation system, set policy, and establish and enforce standards for safety and security. The second is to protect the interests of Canadian taxpayers when commercialized assets remain federal property.

This process of modernization will ensure Canada's transportation system is able to support trade, tourism and job creation by bolstering Canadian competitiveness in domestic and international markets.

An organizational structure for the new Department has been developed and is now being implemented. Below are listed the current policy, regulatory and programs groups within the department, along with a short description of their key activities and, where applicable, a description of the progress each is making toward transition.

Policy

The Policy Group is responsible for setting policies relating to rail, marine, highway, motor carrier and air transportation, as well as setting departmental strategic policy, assessing the performance of the overall transportation system and its components, and developing supporting information. The Policy Group also supports rail passenger services through payments to VIA Rail and ferry services through payments to Marine Atlantic.

In 1995, the Policy Group revamped federal involvement in direct subsidies, commercialized rail and port operations – which included the sale of Canadian National – and developed the new *Canada Transportation Act*.

Safety and Security

The Safety and Security Group is responsible for

- establishing and administering regulations and standards necessary for the safe conduct of Canadian civil aviation;
- developing and enforcing marine regulations; and
- developing and enforcing the regulatory aspects of rail safety, transport of dangerous goods, motor vehicle and motor carrier safety, and motor vehicle emissions.

This group is also responsible for developing and enforcing regulations and standards under federal jurisdiction to prevent unlawful interference with air, rail and marine transportation.

The department is commercializing the air navigation system. The system will be in the hands of NAV CANADA, a not-for-profit corporation whose primary objective is the safe, efficient and effective delivery of air navigation services. Transport Canada will continue to ensure that safety remains the highest priority by monitoring strict compliance with safety regulations.

Programs and Divestiture

The Programs and Divestiture Group's objective is to reduce the burden to the federal taxpayer for the operation of the Canadian airports and ports systems by transferring ownership and/or operations to local entities, while ensuring the continued existence of efficient and environmentally secure systems to respond to basic needs of Canadians. This group is also responsible for managing all funded programs such as the Airport Capital Assistance Program, the Port Divestiture Fund, and federal/provincial highways and bridges.

Regions

Transport Canada has five regional directors, Atlantic, Quebec, Ontario, Prairies and Northern, and Pacific, providing one central point of contact in each region for the department's clients and stakeholders. Consequently, the department retains a strong regional presence for enforcement, inspection, compliance, promotion and landlord functions.

Support Groups

Groups providing overall support to the department in carrying out its work include the Corporate Services Group, the Transition Secretariat, the Communications Group and the departmental General Counsel.

Legislative mandate

The major statutes under the jurisdiction of the Minister of Transport are the following:

- *Aeronautics Act*
- *Airport Transfer (Miscellaneous Matters) Act*
- *Arctic Waters Pollution Prevention Act*
- *Blue Water Bridge Authority Act*
- *Buffalo and Fort Erie Public Bridge Company Act*
- *Canada Ports Corporation Act*
- *Canada Shipping Act*
- *Canada Transportation Act*
- *Carriage by Air Act*
- *Carriage of Goods by Water Act*
- *Civil Air Navigation Services Commercialization Act*
- *CN Commercialization Act*
- *Coasting Trade Act*
- *Department of Transport Act*
- *Hamilton Harbour Commissioners Act*
- *Harbour Commissions Act*
- *Marine Atlantic Inc. Acquisition Act*
- *Marine Insurance Act*
- *Marine Transportation Security Act*
- *Maritime Code Act*
- *Motor Vehicle Fuel Consumption Standards Act*
- *Motor Vehicle Safety Act*
- *Motor Vehicle Transport Act, 1987*
- *Non-smokers' Health Act*
- *Pilotage Act*
- *Public Harbours and Port Facilities Act*
- *Railway Act*
- *Railway Relocation and Crossing Act*
- *Railway Safety Act*
- *Safe Containers Convention Act*
- *St. Lawrence Seaway Authority Act*
- *Shipping Conferences Exemption Act, 1987*
- *Toronto Harbour Commissioners Act*
- *Transportation of Dangerous Goods Act, 1992*

Administrative arrangements

- *Bills of Lading Act*
- *Excise Tax Act*
- *Government Property Traffic Act*
- *National Energy Board Act*
- *Navigable Waters Protection Act*

Initiatives for 1997

Policy Group

Report on the Marine Policy Review

The marine component of Transport Canada's Comprehensive Transportation Strategy was unveiled in December 1995. This policy will ensure that Canada has the modern marine transportation system it needs to compete into the 21st century. It will help ensure that shippers have access to efficient, affordable and safe marine transportation. The maintenance of designated remote ports will continue to be ensured by the Government of Canada.

The proposed *Canada Marine Act*, introduced in June 1996, will implement the commitment made in the December announcement of the National Marine Policy to commercialize and strengthen Canada's marine sector.

Currently, there is no single, comprehensive piece of legislation governing the marine sector in Canada. Ports, for example, operate under several different legislative regimes, each with its own mandate, financial rules and regulations. Much of the current legislation requires lengthy approval processes and stifles effective decision-making.

The proposed *Canada Marine Act* will make it easier for ports to operate according to business principles. It will authorize the Minister of Transport to commercialize the operations of the St. Lawrence Seaway and improve the operations of pilotage authorities and ferry services in Canada.

Public ports will be commercialized. Those essential to international and domestic trade will make up the national ports system. They will be transferred to financially self-sufficient Canada port authorities, managed by boards of directors. Most boards members will be nominated by the port users. Regional and local ports will be divested to community organizations, provincial governments, municipal authorities and private interests, which will be given the responsibility for operating regional and local ports.

With the passage of the proposed *Canada Marine Act*, three pieces of legislation will be repealed: the *Canada Ports Corporation Act*, the *Public Harbours and Port Facilities Act* and the *St. Lawrence Seaway Authority Act*. Three other pieces of legislation – the *Hamilton Harbour Commissioners Act*, the *Harbour Commissions Act* and the *Toronto Harbour Commissioners Act* – will

also be repealed at a date determined by Governor in Council. There will also be amendments to the *Pilotage Act*.

The proposed *Canada Marine Act Regulations*, covering safety and navigation, will be applied to Canada port authorities, public ports and the St. Lawrence Seaway.

For further information on the above, contact Bruce Bowie, Director, Marine Policy, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-0702; Fax: (613) 998-1845.

TC/97-1-L

Regulations Respecting Data Requirements

Regulations are required to carry out provisions of the *Canada Transportation Act* pertaining to information requirements. Currently, the Minister of Transport receives minimal information on air, rail and motor vehicle activities; information received to date on the marine mode has not always been sufficient to enable pertinent studies to be undertaken and to support policy decisions. The *Carrier Information Regulations* were brought into force with the *Canada Transportation Act*. Amendments to these regulations are required to clarify the regulations.

Under the Act, the Minister will also implement regulations requiring transportation undertakings under federal jurisdiction (such as ports, airports and NAV CANADA) to supply financial and operating data on an ongoing basis. Data are required to ensure effective monitoring of trends and to allow the department to make timely responses to changes in the industry, to adequately support the Minister's responsibility for national transportation policy. Finally, regulations are to be made requiring grain transportation undertakings to provide information for use in reviewing the grain handling and transportation system.

Industry representatives have been consulted and are aware of the proposed information requirements.

Legal authority: *Canada Transportation Act*, subsection 50(1)

Contact: Garry Tulipan, Chief, Marine and Surface Statistics and Forecasts, Economic Analysis Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-6477; Fax: (613) 957-3280.

Safety and Security Group

SECURITY AND EMERGENCY PLANNING

TC/93-6-I

Aerodrome Security Regulations (Major Revision)

These regulations set out requirements and prohibitions related to the security of Canadian civil aerodromes. Amendments are required to clarify existing provisions, thereby facilitating compliance and enforcement, and to address substantive security issues that have arisen since the Regulations were promulgated in 1987.

Non-regulatory alternatives would not be an effective means of ensuring that aerodrome operators consistently carry out the essential security requirements contained in the Regulations and that Canada complies with its international aviation security obligations.

Industry and government will benefit from this amendment because the Regulations will be aligned with current aviation security needs at aerodromes, and will be streamlined and rewritten in plain language. The amendments will allow industry and government to focus their resources on those activities that require the most attention. Costs to industry (and to government, in the case of Transport Canada airports) will be estimated as the department develops proposals for amendment. Other costs to government will be those associated with monitoring and enforcing the Regulations. The overall financial impact of the amendments should be minimal. No additional Transport Canada resources will be required to monitor compliance with or enforcement of these regulations.

The department and aviation security stakeholders are working together using established consultative mechanisms – such as a joint aviation security consultative group with representatives from Transport Canada, industry and labour – to develop the regulatory requirements.

The *Aerodrome Security Regulations* are complemented by the *Air Carrier Security Regulations* and regulatory documents that are not in the public domain because of their sensitive content.

Legal authority: *Aeronautics Act*, subsection 4.7(2)

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street,

TC/93-7-I

Air Carrier Security Regulations (Major Revision)

These regulations set out requirements and prohibitions related to the security of civil aviation operations in Canada. Amendments are required to clarify existing provisions, thereby facilitating compliance and enforcement, and to address substantive security issues that have arisen since the Regulations were promulgated in 1987.

Non-regulatory alternatives would not be an effective means of ensuring that air carriers consistently carry out the essential security requirements contained in the Regulations and that Canada complies with its international aviation security obligations.

Industry and government will benefit from this amendment because the Regulations will be aligned with current aviation security needs at aerodromes, and will be streamlined and rewritten in plain language. The amendments will allow industry and government to focus their resources on those activities that require the most attention. Costs to industry will be estimated as the department develops proposals for amendment. Costs to government will be those associated with monitoring and enforcing the Regulations. The overall financial impact of the amendments should be minimal. No additional Transport Canada resources will be required to monitor compliance with or enforcement of these regulations.

The department and aviation security stakeholders are working together using established consultative mechanisms – such as a joint aviation security consultative group with representatives from Transport Canada, industry and labour – to develop the regulatory requirements.

The *Air Carrier Security Regulations* are complemented by the *Aerodrome Security Regulations* and regulatory documents that are not in the public domain because of their sensitive content.

Legal authority: *Aeronautics Act*, subsection 4.7(2)

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5520; Fax: (613) 996-6381; E-mail: marrioj@tc.gc.ca

TC/97-2-I

Designated Provisions Regulations (Major Revision)

These regulations list the regulations and orders made pursuant to the *Aeronautics Act* that may be enforced by means of an administrative monetary penalty assessed by the Minister of Transport. These regulations and orders include the *Air Carrier Security Regulations*, the *Air Carrier Security Regulations Order*, the *Aerodrome Security Regulations* and the *Aerodrome Security Regulations Order*.

Amendments to the *Designated Provisions Regulations* will be required following planned amendments to the *Air Carrier Security Regulations* and the *Aerodrome Security Regulations*, to provide for the assessment of administrative monetary penalties for certain violations. These penalties are the most appropriate and effective means of enforcing many provisions of these regulations and the preferred method for achieving compliance with certain aviation security requirements. They also help the department use limited inspection and enforcement resources effectively. Costs to industry will depend upon the provision that is breached and the amount of penalty assessed. No additional Transport Canada resources will be required to monitor compliance with or enforcement of these regulations.

The department and aviation security stakeholders are working together using established consultation mechanisms – such as a joint aviation security consultative group with representatives from Transport Canada, industry and labour – to develop the provisions of the *Air Carrier Security Regulations* and the *Aerodrome Security Regulations* that will be designated.

Legal authority: *Aeronautics Act*, subsection 7.6(1)

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5520; Fax: (613) 996-6381; E-mail: marrioj@tc.gc.ca

TC/97-3-I

Cruise Ship Security Regulations

This initiative is intended to enhance the safety and security of the marine transportation system.

These regulations will set out requirements and prohibitions related to the security of cruise ship operations in Canada. They will address the search of

passengers and their belongings, the carriage of weapons on cruise ships, access control, security organization and administration, and false statements about weapons. The Regulations, together with confidential security measures and related requirements applicable to cruise ship terminal operators, will provide a uniform level of security to prevent unlawful interference with marine navigation and to ensure that appropriate action is taken when interference occurs or is likely to occur.

Non-regulatory alternatives to achieving appropriate levels of marine transportation security have been pursued and assessed. Transport Canada promoted voluntary implementation of the International Maritime Organization's Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships, issued in 1986. Monitoring of vessel operations has revealed inconsistent and unsatisfactory implementation. Regulations are considered the most appropriate means of achieving consistent implementation of essential security measures.

Costs to industry associated with these regulations will be low because security requirements at normal threat levels will be minimal. Costs to government will be those associated with monitoring and enforcing the Regulations. No additional Transport Canada resources will be required to monitor compliance with or enforcement of these regulations.

The department and industry are working together using established consultative mechanisms - such as the Canadian Marine Advisory Council - to develop the regulatory requirements.

This initiative appeared in the 1996 *Federal Regulatory Plan* as TC/95-9-I.

Legal authority: *Marine Transportation Security Act*, section 5

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5520; Fax: (613) 996-6381; E-mail: marrioj@tc.gc.ca

TC/97-4-I

Cruise Ship Terminal Security Regulations

This initiative is intended to enhance the safety and security of the marine transportation system.

These regulations will set out requirements and prohibitions related to the security of cruise ship

terminal operations in Canada. They will address the assignment of security responsibilities, security planning, communications, and reporting of security incidents and threats. The Regulations, together with confidential security measures and related requirements applicable to cruise ship operators, will provide a uniform level of security to prevent unlawful interference with marine navigation and to ensure that appropriate action is taken when interference occurs or is likely to occur.

Non-regulatory alternatives to achieving appropriate levels of marine transportation security have been pursued and assessed. Transport Canada promoted voluntary implementation of the International Maritime Organization's Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships, issued in 1986. Monitoring of vessel operations has revealed inconsistent and unsatisfactory implementation. Regulations are considered the most appropriate means of achieving consistent implementation of essential security measures.

Costs to industry associated with these regulations will be low because security requirements at normal threat levels will be minimal. Costs to government will be those associated with monitoring and enforcing the Regulations. No additional Transport Canada resources will be required to monitor compliance with or enforcement of these regulations.

The department and industry are working together using established consultative mechanisms - such as the Canadian Marine Advisory Council - to develop the regulatory requirements.

This initiative appeared in the 1996 *Federal Regulatory Plan* as TC/95-9-I.

Legal authority: *Marine Transportation Security Act*, section 5

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5520; Fax: (613) 996-6381; E-mail: marrioj@tc.gc.ca

CIVIL AVIATION

TC/96-6-I

Canadian Aviation Regulations (CARs), Subpart 303 - Aircraft Firefighting

Subpart 303 of the *Canadian Aviation Regulations (CARs)*, *Aircraft Firefighting Regulations*, will contain

firefighting requirements for specified airports and the levels of service required, depending on aircraft size and number of aircraft movements. This area is presently unregulated, although a number of contractual and voluntary arrangements are in place to satisfy current internal departmental standards. Subpart 303 should reduce the number of airports requiring an aircraft firefighting service.

The department is consulting on subpart 303 through the Canadian Aviation Regulation Advisory Council (CARAC), Technical Committee III, before republication in Part I of the *Canada Gazette*.

Since this regulation will apply to fewer airports than the present Transport Canada policy, the costs imposed by this regulation will be lower than the current costs of firefighting services.

No practical alternatives to this initiative have been identified.

Legal authority: *Aeronautics Act* (S.C., 1992, chapter 4), section 4.9

Contact: H. Layden, A/Director, Aerodrome Safety, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1423; Fax: (613) 991-7416; E-mail: laydonh@tc.gc.ca

TC/95-33-L

Canadian Aviation Regulations (CARs), Part V - Airworthiness

The department is conducting consultation on Part V of the *Canadian Aviation Regulations* (CARs), subparts 511 - Type Certificates; 513 - Design Approval; Modification and Repair; 516 to 549 - Airworthiness Standards; 551 - Aircraft Equipment Requirements; 559 - Miscellaneous Standards; 561 - Manufacture; 563 - Distribution through the Canadian Aviation Regulation Advisory Council (CARAC) Technical Committee V - Maintenance and Technical Committee V - Certification.

These regulations revise, consolidate and update material contained in the existing *Air Regulations*, *Air Navigation Orders*, standards and practices, to reflect advances in technology. The regulatory material contained in the *Airworthiness Manual* (AWM) will be removed and placed into the appropriate CARs subparts. This will leave the AWM as a standards document only. The current numbering system found in the AWM will be retained because of the industry's long-standing use and acceptance of the AWM.

These regulations will better harmonize the Canadian airworthiness regulatory system with those of other states, to reflect the global nature of aviation activities and aircraft operations.

Since these regulations form a necessary part of the overall civil aviation safety regulation framework, no alternative to regulation is possible.

The costs associated with this initiative are expected to be low.

Legal authority: *Aeronautics Act* (S.C., 1992, chapter 4), section 4.9

Contacts: K. Mansfield, A/Director, Aircraft Certification, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 952-4338; Fax: (613) 996-9178; E-mail: mansfik@tc.gc.ca

D. Sherritt, A/Director, Manufacturing and Maintenance, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 952-4371; Fax: (613) 996-9178; E-mail: sherrid@tc.gc.ca

TC/R-1-L

Airport Zoning Regulations

These regulations or amendments address problems of radio interference; limit the height of buildings, structures and objects, including objects of natural growth; and prohibit waste disposal sites on lands adjacent to, or in the vicinity of, the airports. Initiatives are planned for the following locations: Cartierville, Cornwall, Dawson, Geraldton, Hamilton, Kingston, London, Macdonald-Cartier, Montreal (Dorval), Lester B. Pearson, Penticton, Pickering, Thunder Bay, Toronto Island and Windsor.

These regulations or amendments affect only those landowners who hold property adjacent to, or in the immediate vicinity of, the airports and have no impact on the general society or the economy. They will result in increased safety for aircraft manoeuvring in the vicinity of the airport. Stakeholders will be consulted before publication of the Regulations in the *Canada Gazette*. Costs associated with these regulations are expected to be low.

Legal authority: *Aeronautics Act*, section 5.4

Contact: Michael G. Redmond, Senior Law Clerk, Legal Services, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5794; Fax: (613) 990-5777; E-mail: redmonm@tc.gc.ca

TC/92-21-L

Airport Traffic Regulations (Administrative Amendments)

The *Airport Traffic Regulations* provide direction for the operation and control of motor vehicles, aircraft and equipment; the movement of pedestrians; the control of domestic animals; and related activities at airports.

As a result of an administrative evaluation and review of airport traffic requirements, and the implementation of the federal *Contraventions Act*, Transport Canada has identified the need for amendments to permit airport operators to effectively enforce the Regulations.

There are no revenue increases or direct cost increases associated with these regulatory amendments.

The department is consulting stakeholders who have an enforcement interest in the *Airport Traffic Regulations* by briefing them and responding directly to their concerns.

Legal authority: *Government Property Traffic Act*;
Department of Transport Act

Contact: Richard J. Liberty, Airside Operations, Aerodrome Standards, Aerodrome Safety Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1418; Fax: (613) 957-4260.

MARINE SAFETY

TC/95-48-L

Tackle Regulations

The present regulations, which stem from the International Labour Conference of 1932, require updating as a result of recent developments in cargo handling equipment and advances in technology. Outdated requirements will be replaced by new ones that will address modern methods of marine cargo handling and their attendant hazards.

Replacing outdated requirements with useful and practical ones that reflect, in large measure, what is already common application should reduce the number of accidents. The costs imposed will be minimal as industry is already adopting new technology.

Legal authority: *Canada Shipping Act*, subsection 339(1)

Contact: Jan Zwaan, Marine Regulatory Directorate, Transport Canada, Ottawa, Ontario, K1A 0N7.

Tel.: (613) 991-3143; Fax: (613) 991-5670;

E-mail: zwaanja@tc.gc.ca

TC/95-49-L

Collision Regulations - International Convention

This amendment will revise the Regulations and modify the format to incorporate by reference the *International Regulations for Preventing Collisions at Sea, 1972*, as amended from time to time. Canada is a signatory to this convention. This amendment is necessary to ensure that the conduct of Canadian vessels will be regulated in internationally accepted phraseology with which Canadian mariners are familiar.

Legal authority: *Canada Shipping Act*, section 562.1

Contact: Dave G. Jenkins, Senior Surveyor, Ship Inspection Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-3137; Fax: (613) 993-8196; E-mail: jenkind@tc.gc.ca

TC/95-50-L

Boat and Fire Drill Regulations - International Convention

This amendment is safety related. It addresses lifeboat and fire drills on ships. A major revision to Chapter III of the *Safety of Life at Sea Convention 1974* (SOLAS) became effective on July 1, 1986. Canada is a signatory to this convention and thus has to comply with the new requirements. The amendment will bring the Regulations in line with SOLAS and will make them easier for the user to understand. Additionally, Canadian ships will be accepted in foreign convention ports as being in compliance with SOLAS. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. No additional costs will be incurred.

Legal authority: *Canada Shipping Act*, section 338

Contact: Dave G. Jenkins, Senior Surveyor, Ship Inspection Directorate, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3137; Fax: (613) 993-8196; E-mail: jenkind@tc.gc.ca

TC/97-5-L

Pilotage Authorities - Regulations, Tariff and Fees

The four marine pilotage authorities (Atlantic, Laurentian, Great Lakes and Pacific) may be required

to raise additional revenue by increasing fees in their tariff regulations. The schedule of fees for examinations, licences and pilotage certificates in the authorities' regulations may be amended, so that the authorities can maintain financial self-sufficiency as mandated under the *Pilotage Act*. Further, under the proposed *Canada Marine Act*, Parliament can no longer appropriate funds to support pilotage authorities. In addition, as a result of extensive consultation with the users and industry in 1995, the department will make changes in certain compulsory pilotage areas.

The individual authorities will consult the users of pilotage services or their representatives regarding proposed increases. Any increase will increase costs for the industry.

Legal authority: *Pilotage Act*, sections 20 and 33

Contact: Gerard McDonald, A/Director, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-0695; Fax: (613) 990-1538; E-mail: mcdonag@tc.gc.ca

TC/93-23-L

Pacific Pilotage Regulations - Reciprocal Exemptions

The Pacific Pilotage Authority proposes to amend its regulations to provide reciprocal exemptions to American pilots in specific Canadian territorial waters in Haro Straits and Boundary Pass. This would recognize historical practice based on the *Treaty Establishing Boundary West of the Rocky Mountains* of 1846 between the U.S. and Great Britain and supported by the *Boundary Waters Treaty* of 1909 between the United States and Canada. The purpose would be to enhance safety of navigation in contiguous American/Canadian compulsory pilotage waters.

These exemptions relate to one of the principal elements of both treaties: that the navigation of the area referred to shall remain "free and open to both parties" and not be subject to discriminatory non-reciprocal regulations.

Legal authority: *Pilotage Act*, section 20

Contact: Gerard McDonald, A/Director, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-0695; Fax: (613) 990-1538; E-mail: mcdonag@tc.gc.ca

TC/97-6-L

Laurentian Pilotage Authority Regulations - Licensing

The Laurentian Pilotage Authority proposes to amend its regulations to increase the schedule of fees for examinations, licences and pilotage certificates. The Authority will also be revising current requirements regarding the licensing process for pilotage certificates and pilotage licences.

These amendments will make the Regulations more precise and clear, and both the Authority and the industry will benefit. Additional costs associated with these amendments will be minimal and contingent upon the type of service provided to the applicant.

Legal authority: *Pilotage Act*, section 20

Contact: Gerard McDonald, A/Director, Marine Pilotage, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-0695; Fax: (613) 990-1538; E-mail: mcdonag@tc.gc.ca

RAILWAY SAFETY

TC/95-64-L

Orders (Revocation)

Since the proclamation of the *Railway Safety Act* in January 1989, new regulatory instruments have continued to come into effect. The result is that many general orders of the former Canadian Transport Commission need to be revoked.

General orders expected to be superseded this year relate to such issues as motive power regulations, locomotive lights and lamps regulations, locomotive wheels regulations, railway engine bell and whistle regulations, vision and hearing regulations, and grade crossing construction regulations.

Revoking these orders will have a generally positive economic impact, because the instruments that will replace them will permit a more flexible regulatory approach and a fast regulatory response to changes in technology or in the industry's environment. The department intends to use the Business Impact Test or equivalent.

Legal authority: *Railway Safety Act*, section 119

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario,

TC/95-65-I

Rail-Highway Grade Crossing Regulations

There are approximately 40,000 public, private and farm crossings under federal jurisdiction in Canada. Around 60 deaths and 70 serious injuries occur annually at crossings. These account for approximately 50 per cent of annual rail-related casualties.

The design standards for these crossings are currently laid out in regulations of the former Canadian Transport Commission (now the Canadian Transportation Agency). Transport Canada has developed a new manual of construction and maintenance standards and intends to incorporate this manual by reference in a new regulation.

There will be an economic impact on the railway industry and road authorities arising from increased construction and maintenance costs. This will be offset by enhanced safety of railway operations and a reduced casualty rate.

There has been extensive consultation with the railway industry, road authorities (both provincial and municipal) and the Federation of Canadian Municipalities on matters related to this initiative. A business impact test or equivalent will be performed.

The department considered three alternatives: developing a new regulation, retaining the two crossing-related existing regulations, or revoking the old regulations following approval by the Minister of a standard for railway crossings developed under subsection 7(2) of the *Railway Safety Act*.

The status quo was rejected in light of substantial technological improvements and because the existing regulations apply only to the immediate crossing area, not to the road approaches or crossing environs, where visibility of warning devices and of approaching trains is important. A standard does not provide an effective means to ensure consultations with third parties, namely property owners and road authorities. Therefore, this alternative was also rejected.

Legal authority: *Railway Safety Act*, sections 7 and 24

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario,

TC/96-11-I

Railway Fencing Regulations

The existing standard for railway fencing was laid out in section 217 of the *Railway Act*, which was revoked in October 1995. The intent of the standard was to keep farm animals, primarily cattle, off railway rights of way. This standard is now considered to be too prescriptive. Fencing needs in urban areas relate to unlawful trespassing on the railway right of way. The standard fence is inadequate for this purpose. There are currently 50 to 60 trespassing fatalities annually on railway rights of way. Many of these occur in areas where fencing would deter trespassers.

There will be some economic impact on the railway industry and municipalities arising from increased fencing construction and maintenance costs, particularly in urban areas. This will be offset by enhanced safety of railway operations and a reduced trespassing casualty rate.

The railway industry, the Federation of Canadian Municipalities and the Canadian Federation of Agriculture have all been consulted regarding this initiative. The Business Impact Test or equivalent will be performed.

The department considered three alternatives: adopting the specifications and conditions in former section 217 of the *Railway Act* as the new regulation, not having a regulation at all or developing a new regulation. The first two alternatives were deemed unacceptable because they did not address issues related to urban trespassing, and because of the involvement of third parties such as property owners and municipalities.

Legal authority: *Railway Safety Act*, section 24(1)(f)

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TC/97-7-I

Train Whistle Ban Regulations

Under Rule 14L of the *Canadian Rail Operating Rules* (CROR), trains approaching level crossings are required to sound their whistles, unless other

procedures are specified in railway special instructions. Before 1989, the National Transportation Agency and its predecessors were responsible for approving whistle bans at crossings.

Since 1989, it has been the responsibility of the railway company and the road authority to agree to ban whistling, subject to the requirements of Transport Canada's Guideline on Procedure and Conditions for Eliminating Whistling at Public Crossings. Amendments to the *Railway Safety Act* allow the department to make regulations to streamline the process for banning whistling, if no safety issue is outstanding.

Alternatives considered were remaining with the status quo or asking the railways to submit a rule on whistle banning for ministerial approval. Since third parties would always be involved in the issue, it was decided to draft a regulation. The Business Impact Test or equivalent will be performed.

Legal authority: *Railway Safety Act*, section 23

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ROAD SAFETY

The Road Safety Directorate consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. Transport Canada consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

TC/97-8-L

Motor Vehicle Safety Regulations, Sections 6, 7, 8, 9, and 15: Certification of Incomplete Vehicles

This amendment will establish processes for certifying vehicles that are built in two or more stages so that they meet applicable safety and emissions requirements. As a result of this amendment, manufacturers will be required to install compliance labels at various stages of manufacturing. The primary vehicle manufacturer will also be required to provide

documentation to show that incomplete vehicles comply with the *Motor Vehicle Safety Regulations*.

The cost implications will be minimal, since the only added requirements for manufacturers will be to install labels and to provide documentation. This amendment will make it easier to enforce compliance and will simplify the certification process for second-stage manufacturers.

No practical alternatives to this initiative have been identified.

There may be additional costs of an indeterminate amount for first-stage manufacturers, but certification costs for second- and subsequent-stage manufacturers will be reduced. Under this amendment, vehicles built in two or more stages will comply more fully with the applicable requirements, but this benefit cannot be readily quantified.

Legal authority: *Motor Vehicle Safety Act*, section 11

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TC/96-12-M

Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Antilock Brake Systems)

The amendments will introduce two major requirements:

- antilock brake systems for medium and heavy trucks, buses, multipurpose passenger vehicles (MPVs) and trailers, and
- stopping performance for trucks, buses and MPVs.

These requirements are aimed at improving directional stability, directional control and stopping capability during braking.

New requirements for air brakes will be added. They will focus on timing and actuation energy source of parking brakes, reservoirs, trailer brake performance in the event of failure and compressor cut-in pressure. They are intended to improve the reliability of air brake systems. Canadian Motor Vehicle Safety Standard (CMVSS) 121 requirements will also be extended to container chassis trailers, some designs of which are currently exempt. For hydraulic-braked vehicles equipped with a manual transmission and clutch pedal starter interlock, the revision to CMVSS

105 allows the brake failure tell-tale to be illuminated only when the engine ignition key is turned on and the clutch pedal is fully depressed.

These amendments, which have also been promulgated in the U.S., will be made in Canada by way of two new technical standards documents, TSD 105 and 121, which will be virtually identical to the U.S. regulations. CMVSS 105 and 121 will be simplified to make references to TSD 105 and 121.

In the U.S., the requirements for antilock brake systems and stopping distances cost an estimated \$400 million and \$12 million respectively per year. However, the annual benefits resulting from accident and injury reduction would exceed \$500 million. Cost and benefit information in Canada is as yet incomplete, but the economic impact is expected to be comparatively proportional. However, if the amendment is not introduced, an opportunity to improve road safety will be lost.

Legal authority: *Motor Vehicle Safety Act*, section 5

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TC/97-9-1

Motor Vehicle Safety Regulations, Standard 108: Lighting System - Improved Visibility and Harmonization of Technical Requirements

A major change will require retroreflective markings on the rear of new truck-tractors. A number of minor amendments are planned. These will

- allow high-intensity discharge (HID) arc-type bulbs in replaceable-bulb headlamps (HID light sources are currently allowed in sealed-type headlamps);
- permit an optional light distribution for lower beam headlamps that allows headlamps to be accurately aimed by observing the beam pattern on a screen;
- require brighter headlamps on motorcycles;
- replace a reference to the 1970 version of a Society of Automotive Engineers standard for plastics used in lenses and reflectors with the 1991 version that removes unnecessary restrictions on methods of making test samples and has more objective tests for resistance to heat and atmospheric agents;
- allow lenses of replaceable-bulb headlamps to be replaceable, rather than bonded to the housing;

- broaden the angles from which some marking and signal lamps of passenger cars must be visible and, in addition, apply visibility angle requirements to some marking lamps for the first time; and
- allow rear side reflex reflectors and marker lamps to be yellow rather than red, the only colour currently permitted.

Reflective markings are expected to reduce the frequency of rear-end collisions with truck-tractors being driven without a trailer. They would cost \$19 per vehicle, or a total of approximately \$100,000 annually. The other amendments are expected to result in little or no added cost, since no additional parts are needed and the necessary changes can be made at the time of model changeover. The wide-angle visibility requirements for signal and marker lamps will reduce the risk of traffic collisions in darkness. Visually aimable headlamps will be cheaper than current lamps with built-in bubble-level aiming devices; repair establishments will be able to use simple projection screens instead of the expensive aiming measurement tools required for older types of headlamps. The revised tests for plastics used in lenses and reflectors will be less costly and more objective.

All of the changes will harmonize Canada's requirements with new American requirements. In addition, the revised visibility angles and optional yellow rear side marker devices will harmonize Canada's requirements with European regulations. Transport Canada's Regulatory Review Panel recommended that this standard be revised.

The above changes will be made by revising Technical Standards Document 108. TSD 108 reproduces the equivalent American regulation and is incorporated by reference in CMVSS 108. Use of the TSD allows for greater regulatory efficiency and closer harmonization with foreign regulations. As required by the *Motor Vehicle Safety Regulations*, revisions to technical standards documents that do not require any change to the text of the Regulations will be announced by a notice in *Canada Gazette* Part I only.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: James G. White, Head, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913; E-mail: whitejg@tc.gc.ca

TC/97-10-I

Motor Vehicle Safety Regulations, Standard 111: Rearview Mirrors

The amendment to the standard will prescribe a performance-oriented requirement for school bus mirror systems. The change will require bus drivers to be able to see, either directly or through mirrors, certain specified areas in front and along the sides of the bus. It will also specify image quality criteria for convex crossview mirrors. This initiative will help to prevent accidents where, because of blind spots around the vehicle, children are killed by the school bus they are about to board or have just exited.

Another amendment will remove a restriction affecting the introduction of new mirror systems that may provide better glare protection. Specifically, the reference to prismatic-type mirrors will be replaced by broader terminology that will allow the use of electrochromic mirror technology.

The changes will harmonize Canadian regulations with those in the United States, with the exception of requirements for the test procedure used to determine the field of view of the side and crossview mirrors and the image quality of the crossview mirrors.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Paul Lemay, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1967; Fax: (613) 990-2913; E-mail: lemaypa@tc.gc.ca

TC/97-11-I

Motor Vehicle Safety Regulations, Standard 206: Door Locks and Door Retention Components

This amendment will extend the present applicability of the side door lock and hinge requirements to the rear doors, tailgates and hatches of passenger cars, station wagons and vans. In addition, a new test will be added for rear hinged door locks and hinge components, requiring them to pass an additional strength test.

This amendment will adopt the U.S. Federal Motor Vehicle Safety Standard No. 206 virtually unchanged by issuing a technical standards document (TSD) which will be incorporated by reference into the *Motor Vehicle Safety Regulations*. The use of a TSD will allow revisions without requiring an amendment to the

regulations when changes to the U.S. standard are made.

Implementing this initiative is expected to result in a reduction of one fatality and two serious injuries per year. The total anticipated cost of implementation across the entire Canadian fleet is expected to be a maximum of \$213,000.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Dan Davis, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913; E-mail: davisda@tc.gc.ca

TC/93-90-I

Motor Vehicle Safety Regulations, Standard 208: Occupant Crash Protection (Major Revision)

This amendment will require manufacturers to comply with performance-oriented, non-design-restrictive criteria for occupant restraint systems used in Canadian vehicles.

Limits will be placed on resultant head acceleration and chest deflection experienced by a human-like test device (Hybrid III) in a 48 km/h barrier collision test. These requirements do not exist in the Regulations of any other country.

This amendment will improve the level of protection afforded to occupants in vehicle crashes. Since head acceleration and chest deflection data are obtained from the widely used Hybrid III test device, there should be no additional testing costs imposed on manufacturers already using this device to comply with other countries' requirements. Because of the unique nature of this amendment, some additional costs will be incurred by Canadian manufacturers. The determination of these costs will be addressed during the consultation phase.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: André St-Laurent, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913; E-mail: stlaura@tc.gc.ca

TC/97-12-L

Motor Vehicle Safety Regulations, Standard 210.1: Tether Anchorages

The amendments will

- extend the applicability of child restraint tether anchorages to multipurpose vehicles and light trucks; and
- require that tether anchorage hardware be factory installed in passenger cars, multipurpose vehicles and light trucks.

A tether anchorage is a hole or a threaded hole in a vehicle where the top of a child restraint is secured using a tether strap and hardware. Tethering the top of a child restraint will significantly reduce the head movement of a child in a crash and consequently will decrease the possibility of head contact resulting in injuries. The hole must be inside a specified zone and must withstand a specified static load.

Mini-vans, passenger vans, passenger-carrying utility vehicles and most 4 X 4 vehicles are classified as multipurpose passenger vehicles. These vehicles are becoming increasingly popular with young families. These families would benefit the most from child restraint systems that are easy and safe to install.

A regulation requiring tether anchorages in passenger cars became effective on January 1, 1989. Costs incurred by manufacturers to install tether anchorages and test for compliance should be approximately the same as those for installing and testing the anchorages in passenger cars, and therefore should have minimal economic impact.

Tether anchorage hardware, consisting typically of a bolt and an anchor plate, allows a child restraint system to be attached to the tether anchorage. Currently, one set of tether anchorage hardware must be supplied with the vehicle, but not necessarily installed in the tether anchorage. Requiring factory installation of the hardware will result in increased use of tether straps and increased safety benefits.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: France Legault, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1963; Fax: (613) 990-2913; E-mail: legaultf@tc.gc.ca

TC/94-85-L

Motor Vehicle Passenger Restraint Regulations, Standard 213: "Child Restraint Systems"; 213.1: "Infant Restraint Systems"; 213.2: "Booster Cushions"; and 213.3: "Restraint Systems for Disabled Children and Small Size Adults"

This amendment is of an administrative nature. It makes the Regulations compatible with the revised *Motor Vehicle Safety Act* that was proclaimed on April 12, 1995. The technical content of the Regulations will remain essentially unchanged.

Additional requirements will be placed on manufacturers of restraint systems. The Regulations will require that records be established and maintained for five years after the date of manufacture of the restraint. The form and manner of the registration system and the information that must be issued with a notice of defect will be prescribed. The Regulations will also specify the documentation that an importer must provide.

These regulations will have negligible economic impact. The technical requirements are a restatement of those contained in the present *Motor Vehicle Safety Regulations*. The registration system requirements are similar to those voluntarily adopted by the industry.

Legal authority: *Motor Vehicle Safety Act*, section 5

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TC/97-13-L

Motor Vehicle Safety Regulations, Standard 213: "Child Restraint Systems," 213.1: "Infant Restraint Systems," 213.5: "Restraint Systems for Premature Infants and Infants with Breathing Problems"

The amendments will introduce two requirements that will

- set new minimum safety requirements for car beds and restraint systems for premature infants; and
- increase the array of sizes and weights of test dummies used in compliance testing.

Because the lungs of premature and low-birth-weight infants are not fully developed, these babies must

usually be lying down in order to breathe properly. As a consequence, they can experience breathing problems when placed in an infant restraint system, which is designed to hold the infant in a relatively upright position. The introduction of new requirements for restraint systems for premature infants will allow the sale of these devices in Canada for the first time. This will benefit infants with special breathing needs.

Amending the Regulations to increase the array of sizes and weights of test dummies used in compliance testing will make the Canadian regulations compatible with similar U.S. regulations. It will facilitate the development of restraint systems capable of accommodating a wider range of children. Manufacturers will have greater flexibility in designing restraints, while still offering a high level of safety for young occupants.

These regulations will have negligible economic impact.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: France Legault, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1963; Fax: (613) 990-2913; E-mail: legaultf@tc.gc.ca

TC/95-70-L

Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Extension of Applicability of the Quasi-Static Testing Requirements)

This amendment will extend the applicability of the quasi-static side door strength testing requirement to buses, multipurpose passenger vehicles and trucks having a gross weight of 4536 kg or less. The requirements for these additional classes of vehicles will be the same as those that currently apply to passenger cars.

Implementing this amendment is expected to improve the ability of vehicles to withstand a crash, especially single-vehicle accidents, such as when the door of a vehicle strikes a pole or similar object. This extension of applicability could prevent as many as 8 fatalities and 190 hospitalizations per year. The total anticipated cost of implementation across the entire Canadian fleet could be as high as \$27.5 million.

This amendment harmonizes Canadian requirements with those of the National Highway Traffic Safety

Administration in the United States. As the U.S. has already incorporated this amendment, a high proportion of the affected Canadian vehicles will already comply with the new requirements. Therefore, the actual costs and benefits are anticipated to be significantly lower than outlined above.

Legal authority: *Motor Vehicle Safety Act*, section 5

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TC/96-14-I

Motor Vehicle Safety Regulations, Standard 135: Passenger Car Brake Systems

A new safety standard, Canada Motor Vehicle Safety Standard (CMVSS) 135, will be introduced to address safety issues related to braking systems on passenger cars. The standard will be permitted as an alternative to CMVSS 105, which is applicable to hydraulic brake systems on passenger cars until September 1, 2000. After that date, all passenger cars will be required to comply with CMVSS 135.

In the U.S., a new brake system standard for passenger cars, Federal Motor Vehicle Safety Standard (FMVSS) 135, which has been effective since March 6, 1995, will become mandatory on September 1, 2000. This standard will be adapted into a new document in Canada, Technical Standard Document (TSD) 135. The new CMVSS 135 will be simply worded and will make reference to TSD 135, which will be virtually identical to FMVSS 135.

For more than a decade, regulatory authorities and vehicle manufacturers in North America, Europe and other countries have co-operated to produce harmonized braking regulations mutually acceptable to both continents. The objective is to address safety areas of common concern and to eliminate unnecessary trade barriers. The new safety standards in the U.S. and Canada will harmonize with Regulation R13H now being proposed by the United Nations Economic Commission for Europe (ECE).

The new standard will not result in any significant cost to vehicle manufacturers. Besides ensuring safety performance equivalent to that ensured by CMVSS 105, CMVSS 135 will address additional safety needs such as lining wear indicators, adhesion utilization requirements, wheel lockup provisions and a high speed effectiveness test. A harmonized regulation also

reduces the costs of producing motor vehicles. If this new regulation is not adopted, the variety of available models might be reduced.

Legal authority: *Motor Vehicle Safety Act*, section 5

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TRANSPORTATION OF DANGEROUS GOODS

TC/96-16-1

Transportation of Dangerous Goods Regulations - Updating Highway and Rail Tank Standards (Standards Change)

This amendment will reference updated versions of the following Canadian Standards Association (CSA) and Canadian General Standards Board (CGSB) tank and means of containment standards:

- CSA Preliminary Standard B620-1987, Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods, dated October 1987 and amended February 1992;
- CSA Preliminary Standard B621-1987, Selection and Use of Highway Tanks, Portable Tanks, Cargo Compartments and Containers for the Transportation of Dangerous Goods, Classes 3, 4, 5, 6, and 8, in Bulk by Road, dated March 1987;
- CSA Preliminary Standard B622-1987, Selection and Use of Highway Tanks, Multi-unit Tank Car Tanks and Portable Tanks for the Transportation of Dangerous Goods, Class 2, by Road, dated December 1987; and
- CGSB Standard CAN/CGSB 43.147-94, Construction and Maintenance of Tank Car Tanks and Selection and Use of Tank Car Tanks, Portable Tanks and Rail Cars for the Transportation of Dangerous Goods by Rail, dated November 1994.

The Canadian Standards Association committee responsible for these highway tank standards is working to produce updated versions that will include the 400-series highway tank design. This is a superior-integrity design. Over time, it will replace the 300-series tank design. Including the 400-series tank design and making other editorial changes will harmonize requirements with those of the United States.

The CGSB committee responsible for CAN/CGSB Standard 43.147-94 met in November 1995 to discuss

the implementation in Canada of recent U.S. rulemakings in HM-201, "Detection and repair of cracks, pits, lining flaws, thermal protection flaws, and other defects for tank car tanks," for rail. This new rulemaking implements a number of changes affecting the rail tank car industry. These include replacing traditional periodic hydrostatic testing with non-destructive testing techniques, to more adequately detect critical defects; implementing quality assurance programs; increasing puncture and fire protection requirements; using tank cars with reduced shell thickness; and clarifying tank car inspection requirements before and during transportation.

Costs to the industry are expected to be intermediate. Through surveys, Transport Canada will identify the costs introduced by moving to the 400-series tanks. Accident statistics will be used to identify the benefits to public safety (personal, property and environmental). Sensitivity analysis will be undertaken for all assumptions. In a North American and a global context, Transport Canada will consider the impact of this amendment on industry competitiveness, on public safety and on sustainable transportation.

Transport Canada will consult with the standards committees at public meetings, if required, and will consult stakeholders informally before publishing the amendment in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act*, 1992, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925; E-mail: monteij@tc.gc.ca

TC/96-17-L

Transportation of Dangerous Goods Regulations - Updating Cylinder Standards (Standards Change)

This amendment will reference updated versions of the following Canadian Standards Association (CSA) cylinder standards:

- National Standard of Canada CAN/CSA-B339-88, Cylinders, Spheres and Tubes for the Transportation of Dangerous Goods, dated February 1988 and amended January 1992 and February 1993; and

- National Standard of Canada CAN/CSA-B340-M88, Selection and Use of Cylinders, Spheres, Tubes and Other Containers for the Transportation of Dangerous Goods, Class 2, dated December 1988 and amended January 1992 and February 1993.

The Canadian Standards Association committee responsible for these standards is required by the CSA to review and update standards every five years. These standards were first referenced in the *Transportation of Dangerous Goods Regulations* in 1991. The committee is currently working on editorial changes that reflect industry practice. This amendment is expected to have little or no impact on the Canadian economy.

Transport Canada will consult with the standards committee and at informal meetings with stakeholders before publication in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act, 1992*, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 990-1154; Fax: (613) 993-5925;
E-mail: monteij@tc.gc.ca

TC/96-18-L

Transportation of Dangerous Goods Regulations - Omnibus (Change to 600 Pages of Regulations)

This is an initiative to rewrite the Regulations in plain language, without adding new requirements. The initiative includes a review of permits and comments on the Regulations since 1985. It also includes initiatives previously outlined in the *Federal Regulatory Plan*, such as the Class 9 placard, a small quantity exemption, changes to Schedule XII and the Emergency Response Assistance Plan. The amendment is also expected to contain the intent of as many permits as possible.

The omnibus amendment should also initiate a regular amending cycle to coincide with the three-year training requirement currently stated in the Regulations. Transport Canada will consult through federal/provincial meetings, the Transport Dangerous Goods General Policy Advisory Council, the *Dangerous Goods Newsletter*, the Internet and informal consultation with other stakeholders before publication in the *Canada Gazette*.

The revisions to placarding and small quantity requirements may create costs for industry. There may also be costs to retrain employees. This plain language regulation should improve safety by making the Regulations easier to use and understand, leading to increased compliance.

Legal authority: *Transportation of Dangerous Goods Act, 1992*, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 990-1154; Fax: (613) 993-5925;
E-mail: monteij@tc.gc.ca

TC/97-14-L

Transportation of Dangerous Goods Regulations - Explosives Transport (Standards Change)

The CGSB standard relating to explosives packaging National Standard of Canada CAN/CGSB 43.151-M90, Packing of Explosives, Class 1, for Transportation, dated December 1990 is being revised and should be published in late 1996.

Amendments for this incorporation are minimal and the cost is expected to be low. Transport Canada will consult with the CGSB Standards Committee and at informal meetings with stakeholders before publication in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act, 1992*, section 27(1)(j)

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 990-1154; Fax: (613) 993-5925;
E-mail: monteij@tc.gc.ca

Programs and Divestiture Group

AIRPORTS

Once the management, operation and maintenance or the management, operation, maintenance and ownership of a Transport Canada airport has been transferred to another entity, it may be necessary to amend or revoke the following statutory instruments or parts thereof to more properly reflect the reality of the applicability of the regulations:

- *Airport Ground Transportation Fee Regulations;*

- *Airport Vehicle Parking Charges Regulations;*
- *Airport Personal Property Disposal Regulations;*
- *Airport Traffic Regulations;*
- *Government Airport Concession Operations Regulations;* and
- *Designation of Toronto International Airport Order.*

Legal authority: *Aeronautics Act, Government Property Traffic Act, Department of Transport Act*

Contact: Connie Cochrane, Product Analyst, Air Terminal, Land and Industrial, Business Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-3687; Fax: (613) 990-8889.

TC/R-2-I

Airport Vehicle Parking Charges Regulations (Fee Changes)

The *Airport Vehicle Parking Charges Regulations* prescribe the fees to be charged for public vehicle parking at certain Transport Canada airports. Amendments will be proposed on an annual basis to implement new charges, to adjust existing charges to conditions at specific locations or to adjust rates to changes in government policy.

The parking charges generally reflect those currently charged at similar parking facilities in the area served by the airport. These amendments will result in a net increase in revenue at applicable airports. Increases in revenues will help recover the costs for providing parking facilities. Any residual will contribute to the overall cost of operating the airport.

The travelling public is the major user of vehicle parking facilities at airports. It is not practical to consult with all potential users of parking facilities at those Transport Canada airports for which a change in rates is proposed, as most users do not belong to one identifiable group. Therefore the 30-day prepublication period in Part I of the *Canada Gazette* will be used as the method of consultation.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Anne Gravelle, Product Analyst, Air Terminal, Land and Industrial, Business Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 998-5162; Fax: (613) 990-8889.

HARBOURS AND PORTS

Regulations will be made pursuant to section 52 of the proposed *Canada Marine Act*. These regulations will

relate to navigation and use of ships, environmental protection of ports; order and safety in ports; excavation, removal or deposit of materials; and the transportation, handling and storage of explosives or hazardous substances.

For further information on the above, contact Brenda Baird, Director, Canada Port Authorities, Harbours and Ports, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, 23rd Floor, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-0624; Fax: (613) 954-0838.

CANADA PORTS CORPORATION

Canada Ports Corporation (CPC) is in a transitional phase in response to the marine policy review announced by the Minister of Transport. As a result, CPC does not foresee undertaking any new regulatory initiatives during 1997.

The individual local port corporations, however, may undertake regulatory initiatives to address specific issues that would not affect the public.

To determine whether a port corporation plans to initiate regulatory actions to deal with items of local interest or concern, readers may wish to contact the organizations directly, as indicated below:

David Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, 1215 Marginal Road, P.O. Box 336, Halifax, Nova Scotia, B3J 2P6. Tel.: (902) 426-3643; Fax: (902) 426-9277.

Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5. Tel.: (514) 283-7042; Fax: (514) 283-7019.

Ross Gaudreault, President and Chief Executive Officer, Port of Quebec Corporation, 150 Dalhousie Street, P.O. Box 2268, Quebec, Quebec, G1K 7P7. Tel.: (418) 648-3558; Fax: (418) 648-4160.

Don Krusel, General Manager and Chief Executive Officer, Prince Rupert Port Corporation, 110 Third Avenue West, Prince Rupert, British Columbia, V8J 1K8. Tel.: (604) 627-7545; Fax: (604) 627-7101.

Alwyn G. Soppitt, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, P.O. Box 6429, Station A, Saint John, New Brunswick, E2L 4R8. Tel.: (506) 636-4869; Fax: (506) 636-4443.

David J. Fox, Port Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street,

P.O. Box 6178, St. John's, Newfoundland, A1C 5X8.
Tel.: (709) 772-4582; Fax: (709) 772-4689.

Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation,
1900-200 Granville Street, Vancouver,
British Columbia, V6C 2P9. Tel.: (604) 666-8966;
Fax: (604) 666-8916.

Finance Group (Fees and Charges)

TC/R-3-M

Aviation Regulatory Services (Fees)

Subpart 104 of the *Canadian Aviation Regulations* (CARs) prescribes fees for aviation regulatory services that Transport Canada provides to aircraft manufacturers, aircraft owners and operators, as well as individuals active in the aviation sector.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost for users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include discussions with the Canadian Aviation Regulation Advisory Council (CARAC) and the mailing of information packages to all national and regional organizations, as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Dan Cogliati, Cost Recovery Branch, Financial Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769;
Fax: (613) 998-1337.

TC/R-4-M

Marine Regulatory Services (Fees)

Transport Canada provides marine regulatory services to shipowners and operators, shipbuilders and personnel active in the marine sector. The regulatory services include inspection and certification of ships, port warden inspections, ship tonnage surveys, ship registration and certification of personnel. Fees for these services are stipulated under a number of regulations.

The department reviews these fees periodically. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost to users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations, as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Canada Shipping Act*

Contact: Dan Cogliati, Cost Recovery Branch, Financial Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769;
Fax: (613) 998-1337.

TC/R-5-M

Air Services Charges Regulations and Overflight Charges Regulations

The *Air Services Charges Regulations* and the *Overflight Charges Regulations* set the charges for airport and en route services that Transport Canada provides to aircraft owners and operators.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

With the completion of the transfer of air navigation facilities and services to NAV CANADA, the *Overflight Charges Regulations* and the en route charges sections of the *Air Services Charges Regulations* will be revoked. Transport Canada will no longer be providing the facilities and services being transferred to NAV CANADA. That entity will be responsible for its own charging policies upon transfer.

The levels of any increases and new fees for airports, and the resulting increased cost to aircraft owners and operators, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations, as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Dan Cogliati, Cost Recovery Branch, Financial Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769;
Fax: (613) 998-1337.

TC/R-6-L

Public Harbours and Government Wharves Regulations - Tariff Rates

Amendments to these regulations will increase tariff rates to maintain the financial position of public harbours. Amendments are also necessary to reflect operational requirements.

Some new tariffs may be introduced.

Minimal impact is expected from these increases. The department will fully consult users and carefully consider their comments before making any decision on the increase to these fees.

Legal authority: *Public Harbours and Port Facilities Act*, section 12

Contact: Brenda Baird, Director, Canada Port Authorities, Harbours and Ports, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, 23rd Floor, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-0624; Fax: (613) 954-0838.

TC/95-5-L

Marine Regulatory Services (Consolidation of Fees)

Fees for marine regulatory services are prescribed under an array of different regulations. The consolidation of these fees was recommended in the 1992 Marine Regulatory Review Report as a way to reduce the administrative burden associated with multiple regulations. It would simplify and accelerate the regulatory process required to make amendments to the fees.

Legal authority: *Canada Shipping Act*

Contact: Dan Cogliati, Cost Recovery Branch, Financial Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769; Fax: (613) 998-1337.

Future initiatives

Policy Group

Bus Accessibility Regulations

The current fiscal climate has resulted in new federal government directions for business and economic regulation. The government has taken a balanced approach. On the one hand, federal subsidies to industry have been substantially reduced. On the

other hand, government will not impose on industry any requirement that would impose capital costs that industry could not easily recover.

In keeping with these principles, the Minister of Transport has asked the intercity bus industry to work with the disabled population to arrive at a consensus on a voluntary implementation strategy for intercity bus accessibility.

In the event that an accord cannot be reached in a reasonable period of time, the Canada Transportation Agency may make regulations that would ensure that intercity bus operators licensed to cross provincial and interprovincial boundaries provide a consistent level of accessibility for persons with disabilities.

Classification: Low-cost initiative

Contact: Carmen Hall, Acting Director, Accessible Transportation Policy and Programs Branch, Corporate Relations Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1878; Fax: (613) 991-1440.

Safety and Security Group - General

Canadian Transportation Tribunal

The Safety and Security Group has begun a review of the potential for developing a Canadian transportation tribunal. The tribunal would encompass aviation, marine, surface and security regulatory enforcement activities. Should analysis support this move, an act in Parliament would be required to establish the tribunal's framework. It would shift appeals of the Safety and Security Group's administrative decisions from the Minister, senior Transport management, and the federal and provincial court systems to a panel of persons selected for their expertise in the area under review.

A Canadian transportation tribunal would give regulators another tool to ensure compliance with Transport Canada's regulations. It would complement the *Contraventions Act*, which came into force August 1, 1996. The *Contraventions Act* allows regulators to issue tickets for offences instead of issuing a summons, under the *Criminal Code*, to appear before a court. The new act also enables the Minister of Justice to enter into agreements with the provinces and territories to deal with the issuance, contesting and payment of federal contraventions within their penal systems.

Regulatory amendments would be required to apply this appeals mechanism to designated regulations. Which regulations should be designated would be determined by the modal directorates, in consultation with their stakeholders.

Classification: Depending on the outcome of reviews of the potential scope of application of a Canadian transportation tribunal, this could be a major initiative.

Contact: Ga  tan Boucher, Acting Director General, Safety Programs, Strategies and Co-ordination, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 997-3797; Fax: (613) 990-5058; E-mail: boucheg@tc.gc.ca

SECURITY AND EMERGENCY PLANNING

Transport Canada administers transportation security requirements that are not publicly disclosed or subject to the statutory instrument process because of their sensitive content. These requirements, referred to as "security measures," are the subject of regular review and adjustment to take into account changes in the transportation and security environments. They are developed through a process comparable to regulation-making, including full consultation with stakeholders.

The following changes are currently planned:

- amendments to the *Aerodrome Security Measures* dealing with the provision, duties and training of security personnel under the control of aerodrome operators;
- amendments to the *Air Carrier Security Measures* and the *Aerodrome Security Measures* to allow for the use of electronic ticketing schemes;
- updating of the *Civil Aviation Security Alert Condition and Response System for Air Carriers* and the *Civil Aviation Security Alert Condition and Response System for Aerodrome Operators and Tenants* (these documents contain security measures for conditions of higher security threat); and
- amendments to the *Air Carrier Security Measures* related to screening equipment.

Additionally, as a future initiative, the department will be proposing security measures to be instituted by the operators of cruise ships and cruise ship terminals in conditions of increased security threat.

Contact: J. Marriott, Acting Director, Security Policy, Planning and Legislative Programs, Transport Canada, Place de Ville, Tower C, 330 Sparks Street,

Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5520; Fax: (613) 996-6381; E-mail: marrijo@tc.gc.ca

CIVIL AVIATION

Aviation Occupational Safety and Health Regulations

The *Aviation Occupational Safety and Health Regulations*, which were issued under the *Canada Labour Code*, Part II and came into effect in March 1987, apply to employees employed on aircraft in operation. A committee of client groups and government officials is reviewing these regulations to consider possible amendments to clarify the Regulations and bring them technically up to date. Review (adjusted for industry-specific priorities) will also be required as future amendments are made to the *Aviation Occupational Safety and Health Regulations*.

An impact analysis will be done on each of the individual revised provisions. The nature and scope of the revisions will determine whether additional benefits, and perhaps costs, will result from these possible changes.

Classification: Low-cost initiative

Contact: A.J. LaFlamme, Director, Commercial and Business Aviation, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1121; Fax: (613) 954-1602; E-mail: laflama@tc.gc.ca

Canadian Aviation Regulations (CARs) (Omnibus Amendments)

The *Canadian Aviation Regulations* (CARs), which will come into force on October 10, 1996, will be reviewed by the technical committees of the Canadian Aviation Regulation Advisory Council (CARAC). These committees will identify inconsistencies and other minor problems in the Regulations that will require amendment. Further amendments may be identified by the Standing Joint Committee for the Scrutiny of Regulations, as part of its mandate to review the government's rules and regulations. These amendments will be made in omnibus amendments, as necessary.

Classification: Low-cost initiative

Contact: F. Reinhardt, Director, Regulatory Services, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1224; Fax: (613) 990-1198; E-mail: reinhaf@tc.gc.ca

Canadian Aviation Regulations (CARs) - Commercial Rocket Launch Safety Regulations

The *Canadian Aviation Regulations* (CARs) will be amended to include the safety requirements for licensing commercial rocket launches and the associated range facilities. These amendments will be reviewed by the appropriate technical committees of the Canadian Aviation Regulation Advisory Council.

Classification: Low-cost initiative

Contact: F. Reinhardt, Director, Regulatory Services, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1224; Fax: (613) 990-1198. E-mail: reinhaf@tc.gc.ca

Airport Operations Regulations - Airside

The department is developing the *Airport Operations Regulations* to establish the rules and procedures for safely operating and parking vehicles, testing for and issuing a vehicle operating permit, parking aircraft and moving pedestrians on the airside of airports that are not covered by the *Air Regulations*, but for which the airport manager or operator is responsible.

The Canadian Transportation Accident Investigation and Safety Board (formerly the Canadian Aviation Safety Board, or CASB), in its report on a special investigation into the risk of collision involving aircraft on or near the ground at Canadian civil airports (CASB 87-31, August 1987), recommended that Transport Canada implement strengthened national standards for airport traffic directives as quickly as possible; ensure that airport managers have the requisite authority to enforce national airport directives; and require that all airports certified but not owned and operated by Transport Canada effectively meet the strengthened national standards for airport traffic directives.

The Board also recommended (CASB 87-31, August 1987) that Transport Canada accelerate implementation of its standard Airside Vehicle Operators Permit (AVOP) system at aerodromes owned and operated by Transport Canada, and require that an equivalent process for AVOP training and certification be implemented at airports not owned and operated by Transport Canada.

There are no revenue increases or direct cost increases associated with this regulatory proposal.

Classification: Low-cost initiative

Contact: Richard J. Liberty, Airside Operations, Aerodrome Standards, Aerodrome Safety Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1418; Fax: (613) 957-4260.

MARINE SAFETY

In what might also be called the ultimate regulatory reform, the Marine Safety Directorate is undertaking a major effort to rewrite Canadian shipping law. This is being done in two steps.

The first is to make amendments to the *Canada Shipping Act* to address some important issues. Among other things, these amendments will enable Canada to fully adopt several outstanding International Maritime Organization conventions and protocols. They will also pave the way for addressing the recommendations of the 1993 Regulatory Review further.

The second step is a review of the *Canada Shipping Act*, with the potential for fundamental statutory reform. Statutory reform will translate to further regulatory reform. Stakeholder consultations on the extent and pace of the reform of Canada's merchant shipping law have already started.

Classification: Low-cost initiative

Contact: G. Grinstead, Director, Marine Regulatory Directorate, Transport Canada, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3159; Fax: (613) 991-5670; E-mail: grinstj@tc.gc.ca

RAILWAY SAFETY

There are no plans to introduce more regulations than those listed in the "Initiatives for 1997" section of the 1997 Plan. It is anticipated that regulation of railway safety will primarily consist of ministerial approval of safety rules submitted by the railway industry under section 20 of the *Railway Safety Act*.

The industry is required to consult with relevant associations and organizations. It must also satisfactorily answer all safety concerns raised by the department before the Minister will approve the submissions. The rules submitted will typically be intended to replace obsolete regulations, which will be revoked at the same time as the rules come into effect.

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 15th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5.

Tel.: (613) 998-1926; Fax: (613) 990-2921;
E-mail: naishia@tc.gc.ca

ROAD SAFETY

Motor Vehicle Safety Regulations, Competition Vehicles

This initiative would permit competition motorcycles and competition snowmobiles that are designed and marketed for use exclusively in closed course competition from having to comply with the Regulations. Since these vehicle are required by the Regulations to have only a vehicle identification number, there is little reason to require them to bear a compliance label that states that they conform to all applicable standards prescribed under the regulations. The disadvantage of exempting them from the Regulations is that the manufacturer or importer would not be required to issue a notice of safety defect. It is considered that this disadvantage would not diminish the safe performance of these types of vehicles, which are used for competition purposes.

The department will consult with industry, other governments and the public. This will include republishing the proposed initiative in the *Canada Gazette* Part I.

Classification: Low-cost initiative

Contact: Charles Morton, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1958; Fax: (613) 990-2913; E-mail: mortonc@tc.gc.ca

Motor Vehicle Safety Regulations, Compliance Label

This initiative would reinstate a previous requirement that the company that is certifying the vehicle and that is named as the manufacturer of the vehicle is to be responsible for affixing the compliance label. The current regulation could imply that any company can certify a vehicle for which it can provide a record of conformance to the safety standards, even though it is not recorded as the manufacturer.

The department will consult with industry, other governments and the public. This will include republishing the proposed initiative in the *Canada Gazette* Part I.

Classification: Low-cost initiative

Contact: Charles Morton, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1958; Fax: (613) 990-2913; E-mail: mortonc@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 108: Lighting System

This initiative would require new lighting devices, including side turn signals on long heavy-duty vehicles, to clearly indicate turns; lamps to illuminate the ground beside the exit doors of transit buses, to improve safety of alighting passengers; and stop lamp switches on drive line retarders of heavy trucks and buses, to warn following drivers that the vehicle is slowing when the retarder is activated without the brakes. Distances of lamps from the edge of the vehicle and the road surface, for example, will be more clearly defined to minimize regulatory interpretation and enforcement difficulties. Minimum lamp operating voltages will be proposed to improve the brightness of lamps on long vehicles, such as tractor-semitrailer combinations.

The department will consult industry, other governments and the public. It will do this by republishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: James G. White, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913; E-mail: whitejg@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 201: Occupant Protection

The technical amendments to Standard 201 are being made to enhance the level of protection provided by components of the vehicle interior that may be struck by an occupant's head in the event of a collision.

The current requirement specifies that a test object, an aluminium hemisphere, be launched in guided flight towards a particular vehicle interior component, such as the windshield header. New requirements would require that the more human-like Hybrid III headform be launched in free flight towards the subject vehicle components.

The amendments are not expected to result in any additional costs to the industry, as they reflect current

design practice. The amendments will be in harmony with similar regulations in the United States.

Transport Canada will consult with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which represent consumers), on this regulatory development initiative, through regular meetings with associations representing these groups. Transport Canada will consult with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Low-cost initiative

Contact: André St-Laurent, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913; E-mail: stlaura@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages

The technical amendments to Standard 210 are being made to enhance the level of protection provided by seat belts by specifying improved seat belt geometry.

Specifically, the amendment limits the area in which seat belt anchorages can be installed by reducing the range of permitted lap belt angles from between 20° and 75° to between 30° and 75°. In addition, Transport Canada is making several changes to clarify the magnitude of the test loads and the way these are to be applied for specific seat belt anchorages.

The amendments are not expected to result in any additional costs to the industry, as they reflect current design practice. The amendments will be in harmony with similar regulations in the United States.

Transport Canada will consult with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which represent consumers), on this regulatory development initiative through regular meetings with associations representing these groups. Transport Canada will consult with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Low-cost initiative

Contact: André St-Laurent, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario,

K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913; E-mail: stlaura@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 210.2 - "Universal Vehicle/Child Restraint Attachment System," Standard 213 - "Child Restraint Systems" and Standard 213.1 - "Infant Restraint Systems"

This initiative make it easier to install infant and child restraint systems in motor vehicles by specifying compatible hardware in the vehicles and on the infant and child restraint systems. This will ensure higher use and higher proper use of restraint systems.

Currently, infant and child restraint systems must be attached to the vehicle by adult seat belt systems and, in the case of child restraints, by a top tether strap. However, the adult seat belts are designed to provide optimum protection for adults and may not be suitable for the proper installation of restraint systems for children.

This amendment will culminate collaborative work between Transport Canada and several countries, including the United States. While preparing this amendment, Transport Canada will continue to collaborate closely with vehicle and child restraint system manufacturers.

Classification: Intermediate-cost initiative

Contact: France Legault, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1963; Fax: (613) 990-2913; E-mail: legault@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 223: Rear Impact Guards

This amendment will reduce fatalities and injuries to occupants of passenger cars and other relatively lightweight vehicles that crash into the back of heavy highway trailers. It would do so by requiring the rear of the trailers to be fitted with a guard of sufficient strength and dimensions to prevent a striking vehicle from going under the trailer and the rear of the trailer from penetrating the windshield of the striking vehicle.

No practical alternatives to this initiative have been identified.

The department will consult with industry, other governments and the public. It will do this by

prepublishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: Dan Davis, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913; E-mail: davisda@tc.gc.ca

Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Dynamic Test)

This amendment will improve passenger car safety by requiring the strengthening of the vehicle side structure and changes to the vehicle interior configuration. These changes will reduce occupant injuries in a side impact accident. The amended regulations will include maximums for the impact load values that can be transferred to instrumented test dummies positioned inside the target vehicle, seated in the outboard seating positions. The maximum impact loads allowed for the simulated collision will correlate to loads that the human body can sustain.

No practical alternatives to this initiative have been identified.

The department will consult with industry, other governments and the public. It will do this by republishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Major initiative

Contact: Dan Davis, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 13th Floor, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913. E-mail: davisda@tc.gc.ca

Motor Vehicle Safety Regulations, Electric Vehicle (Omnibus Amendment)

This initiative would make many detailed technical changes to various motor vehicle safety standards to facilitate the introduction and testing of electric vehicles to ensure that they comply with applicable safety standards. This activity would harmonize the Regulations with interpretations made by the United States Department of Transportation. This initiative would alleviate difficulties in providing records of testing, which could hinder the importation and interprovincial shipment of electric vehicles.

No practical alternatives to this initiative have been identified.

This amendment will reflect regulations, or interpretations of regulations, already in place in the United States. For this reason, the cost implication for manufacturers should not be significant, as electric vehicles offered for sale in Canada will be manufactured to meet similar U.S. regulations.

The department will consult industry, other governments and the public. It will do this by republishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: John Neufeld, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1959; Fax: (613) 990-2913; E-mail: neufelj@tc.gc.ca

Treasury Board of Canada Secretariat

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General information

Roles and responsibilities

The Treasury Board is a committee of the Queen's Privy Council for Canada. The Board consists of the President of the Treasury Board, the Minister of Finance and four other Ministers who are nominated by the Governor in Council.

The Treasury Board Secretariat, headed by the Secretary, is an organization which serves the Treasury Board and shapes the financial management practices of departments.

The main role of the Treasury Board is the management of the government's financial, personnel, official languages, regulatory affairs and administrative responsibilities. It sets policy in these areas, examines and approves the proposed spending and non-tax revenue plans of government departments, and reviews the development of approved programs.

Legislative mandate

The principal legislative authorities for the Treasury Board are the following acts:

- *Financial Administration Act*
- *Official Languages Act*
- *Public Service Staff Relations Act*

The Treasury Board is also authorized to exercise the regulation-making authority of the Governor in Council to implement the following acts:

- *Public Service Superannuation Act*
- *Supplementary Retirement Benefits Act* and other superannuation acts

Initiatives for 1997

TBS/R-1-L

Assignment of Crown Debt Regulations

These regulations define the classes of payments due a person by the federal government that may be assigned to another person (usually a creditor), and outline the procedures to be followed when doing so. They are revised periodically as programs are wound up and new programs established. Other changes may also be made to these regulations as a result of the review of regulations described under TBS/96-4-L, "Review of 'Internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 71

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/94-6-L

Security for Debts Due to Her Majesty Regulations

These regulations set out the control framework for accepting security for debts owing to the federal government, and for subsequently collecting on or discharging that security. Other changes may also be made to these regulations as a result of the review of regulations described under TBS/96-4-L, "Review of 'Internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 156

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/96-3-L

Payments to Estate Regulations, 1990

These regulations set out the control framework for transactions relating to amounts payable to a deceased person. The changes considered are of the same nature as those contemplated under the review of regulations described under TBS/96-4-L, "Review of 'Internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 10

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/96-4-L

Review of "Internal" Financial Management Regulations

"Internal" financial management regulations are those that do not generally affect the public directly, but that establish the control framework for financial management processes within federal government departments. These include the following regulations:

- *Accountable Advances Regulations*, which set out the control framework for issuing, accounting for, and repaying or recovering accountable advances (principally travel, removal and petty cash) issued to federal Public Service employees and, occasionally, other persons on contract to the federal government;
- *Cheque Issue Regulations*, which set out the control framework for issuing Receiver General cheques;
- *Debt Write-off Regulations, 1994*, which set out the control framework for writing off bad debts owing to federal government departments;
- *Destruction of Paid Instrument Regulations*, which set out the control framework for destroying Receiver General cheques and other Receiver General payment instruments after they have been cashed;

- *Direct Deposit and Electronic Payments Regulations*, which set out the control framework for making federal government payments by means of direct deposit and electronic instructions;
- *Payment Requisitioning Regulations*, which set out the control framework that federal government departments use when asking the Receiver General to issue a payment on their behalf;
- *Receipt and Deposit of Public Money Regulations*, which set out the control framework that federal government departments and public officers use when collecting or receiving public money;
- *Repayment of Receipts Regulations*, which set out the control framework that federal government departments use when repaying deposits, money received in error and money received in excess of the amount required; and
- *Revenue Trust Account Regulations*, which set out the control framework for transactions relating to revenue trust accounts.

As part of the government-wide review of regulations that departments have been asked to undertake, the Treasury Board is streamlining and modernizing these regulations. If the regulations are no longer needed, The Board will repeal them entirely. This review process will take two or three years to complete.

Legal authority: *Financial Administration Act*, sections 10, 17(s), 20, 25(1), 36(2) and 38(1)

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/97-1-L

Government Contracts Regulations

The *Government Contracts Regulations* (GCRs) prescribe the conditions for entering into contracts for goods and services (including construction), and the conditions for providing security to protect the interests of the Crown in such contracts. The GCRs form the legal basis of the Contracting Policy.

In the spring of 1996, the Treasury Board approved the divestiture of the Canada Communication Group (CCG). This action included approving the operating principles of the privileged administrative arrangement to be provided to the CCG's new owner by the Minister of Public Works and Government Services. This privileged administrative arrangement, which will permit clients to procure from the CCG's

new owner without tender, will probably require amendments to the *Government Contracts Regulations*.

Legal authority: *Financial Administration Act*, subsection 41(1)

Contact: Pierre Adm, Senior Project Officer, Contract, Project and Risk Management Division, Financial and Contract Management Sector, 10th Floor, East Tower, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0R5. Tel.: (613) 954-4688; Fax: (613) 952-1381.

TBS/97-2-I

Interest and Administrative Charges Regulations

These regulations, which took effect April 1, 1996, encourage users of government services and facilities who can repay their debts to the Crown to do so in a timely fashion. They also allow the government to obtain compensation for its additional borrowing costs when users fail to repay their debts, or when they make a payment with a "NSF" cheque. Several minor technical amendments will be made that will not change the substance of the Regulations.

Legal authority: *Financial Administration Act*, section 155.1

Contact: Robin Findlay, Director, Financial Authorities, Financial and Contract Management Sector, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

TBS/R-2-L

Pension Protection

The government's transfer initiatives, or other types of divestiture initiatives, may require regulations providing for special pension arrangements for the affected Public Service employees.

The application of such regulations will be limited to those employees who cease to be employed by the federal government as a result of a transfer or other type of divestiture.

Legal authority: *Public Service Superannuation Act*, sections 40.1 and 42.1

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel.: (613) 952-3233; Fax: (613) 952-3240;
Internet: Lee.JoanneF@tbs-sct.gc.ca

TBS/93-2-L

Public Service Superannuation

The existing regulations are to be amended to update statutory references. These references are necessary to carry out certain elective service provisions of the *Public Service Superannuation Act* (PSSA). Amendments are also planned to amplify the existing provisions dealing with cases where erroneous advice was given.

The application of these amendments is limited to those PSSA contributors who elect under existing statutory provisions.

Legal authority: *Public Service Superannuation Act*, section 42

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240; Internet: Lee.JoanneF@tbs-sct.gc.ca

TBS/93-3-I

Public Sector Pension Reform

Royal Assent was given in September 1992 to Public Service pension reform legislation. This legislation allows the government to make regulations to establish the details of several changes to existing programs. Almost all of these regulatory initiatives have been completed. The most significant project yet to be completed is the initiatives to make regulations to bring the Public Service pension plans into compliance with the requirements of the *Income Tax Act* and its regulations for registered pension plans, as those requirements existed on January 15, 1992. The *Special Retirement Arrangements Act* complements thus exercise by authorizing the Governor in Council to establish "retirement compensation arrangements" to provide supplementary retirement benefits.

The income tax compliance requirements related to the *Public Service Superannuation Act* have been substantially met by regulations that were brought into force on January 1, 1996. However, regulations are still required to achieve tax compliance for the *Canadian Forces Superannuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

The pension reform regulation project will also include technical corrections and housekeeping

improvements that have become necessary over the years. The pension plans affected include the *Public Service Superannuation Act*, the *Canadian Forces Superannuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

Legal authority: *An Act to Amend Certain Acts in Relation to Pensions and to Enact the Special Retirement Arrangements Act and the Pension Benefits Division Act*

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240; Internet: Lee.JoanneF@tbs-sct.gc.ca

TBS/96-1-L

Members of Parliament Retiring Allowances

The 1995 amendments to the *Members of Parliament Retiring Allowances Act* allow the government to set out the operating or technical details of certain substantive changes by regulation.

The regulations flowing from these 1995 amendments have been partially completed. The regulations required to implement optional pension coverage for spouses acquired after retirement are complete; the *Former Members of Parliament Elections for Joint and Survivor Benefits Regulations* came into force on July 1, 1996.

Those regulations that relate to recovery procedures related to "double-dipping" restrictions and to prescribing specific annual *Income Tax Act* limits for the registered portion of the pension benefits have been carried over from the 1996 *Federal Regulatory Plan*. This is also true for existing regulations that must be revised to coincide with the restructuring of the pension arrangements for members of Parliament contained in the 1992 Public Service pension reform legislation.

Legal authority: *Members of Parliament Retiring Allowances Act*, section 64

Contact: Joan Arnold, Senior Legislation Officer, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240; Internet: Arnold.Joan@tbs-sct.gc.ca

TBS/96-2-I

Public Service Early Retirement Incentive

Regulations were made in 1995 under the *Special Retirement Arrangements Act* authorizing a three-year early retirement incentive program for employees affected by the government's major downsizing program who met specified age and employment criteria. Those regulations will be amended to cover additional federal Public Service entities that must significantly reduce their personnel complements as part of continuing downsizing initiatives.

Legal authority: *Special Retirement Arrangements Act*

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240; Internet: Lee.JoanneF@tbs-sct.gc.ca

TBS/97-3-I

Pension Portability Initiatives

Royal Assent was given in June 1996 to Public Service pension plan amendments. A major thrust of these amendments was to accommodate the government's ongoing alternate service delivery initiative. These amendments provide for the payment of lump-sums in respect of earned pension to employees who leave the Public Service before pensionable age; the payment of interest on returns of contributions at the rate earned by the Superannuation Account; new pension transfer agreement authorities; and more flexibility and authority in for alternate service delivery situations. Regulation will prescribe the technical and implementation details, the rules governing calculation of amounts payable and the conditions under which the provisions are triggered.

Legal authority: *Public Service Superannuation Act*, sections 10(9), 13.01, 40.1, 40.2, 42.1

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240; Internet: Lee.JoanneF@tbs-sct.gc.ca

Veterans Affairs Canada

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General information

Roles and responsibilities

Veterans Affairs Canada is responsible for the administration of 16 acts and 32 sets of regulations and orders. These instruments give the Minister the authority to provide programs aimed at ensuring the economic, social, mental and physical well-being of veterans, specified persons and their dependants. The range of services provided includes income support, disability pensions, health care including special equipment and long-term care, counselling, the acquisition of title to property, and commemoration.

Legislative mandate

The following legislation is administered by Veterans Affairs Canada:

Statutes

- *Army Benevolent Fund Act*
- *Children of Deceased Veterans Education Assistance Act*
- *Department of Veterans Affairs Act*

- *Merchant Navy Veteran and Civilian War-related Benefits Act*
- *Pension Act*
- *Returned Soldiers' Insurance Act*
- *Soldier Settlement Act*
- *Special Operators War Service Benefits Act*
- *Supervisors War Service Benefits Act*
- *Veterans Benefit Act*
- *Veterans Insurance Act*
- *Veterans' Land Act*
- *Veterans Review and Appeal Board Act*
- *War Service Grants Act*
- *War Veterans Allowance Act*
- *Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act*

Regulations and Orders

- *Army Benevolent Fund Regulations*
- *Assistance Fund (W.V.A. and C.W.A.) Regulations*
- *Award Regulations*
- *Canadian Volunteer Service Medal Order*
- *Children of Deceased Veterans Education Assistance Regulations*
- *Civilian Government Employees (War) Compensation Order*
- *Deceased or Former Members Dependants Payment Order*
- *Delegation of Powers (VLA) Regulations*
- *Execution of Purchase of Property Documents Regulations*
- *Flying Accidents Compensation Regulations*
- *Gallantry Awards Order*
- *Guardianship of Veterans' Property Regulations*
- *Infant or Person of Unsound Mind Payment Order*
- *Last Post Fund Regulations, 1995*
- *Memorial Cross Order (World War I)*
- *Memorial Cross Order (World War II)*
- *Merchant Seaman Vocational Training Order*
- *Pension and Allowance Adjustment Regulations*
- *Pensioners Training Regulations*
- *Prescribed Persons and Organizations Regulations*
- *Returned Soldiers' Insurance Regulations*
- *Special Duty Area Pension Order*
- *Vetcraft Shops Regulations*
- *Veterans Allowance Regulations*
- *Veterans Burial Regulations, 1995*
- *Veterans Estates Regulations*
- *Veterans Health Care Regulations*
- *Veterans Insurance Regulations*
- *Veterans' Land Regulations*

- *Veterans Review and Appeal Board Regulations*
- *Veterans Treatment Regulations*
- *War Service Grants Regulations*

Administrative arrangements

Veterans Affairs Canada has shared responsibility for the administration of parts of the following acts:

- *Aeronautics Act*
- *Appropriation Act No. 10, 1964, Schedule. B, National Defence Vote 58a*
- *Halifax Relief Commission Pension Continuation Act*
- *Royal Canadian Mounted Police Pension Continuation Act*
- *Royal Canadian Mounted Police Superannuation Act*

Initiatives for 1997

VAC/96-1-L

Assistance Fund (W.V.A. and C.W.A.) Regulations

The Regulatory Review in 1993 recommended the replacement of these regulations with updated regulations reflecting present-day administration of the program. The Assistance Fund provides emergency grants of up to \$500 per year to clients in receipt of war veterans allowances.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-2-L

Deceased or Former Members Dependants Payment Order

The Regulatory Review in 1993 recommended the removal of this order as obsolete. It dealt with the payment of post-war grants and other benefits to veterans' dependants, when the veteran was deceased.

Legal authority: *War Service Grants Act*, subsection 5(2)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa,

Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-3-L

Veterans Property Administration

Amendments to the *Veterans' Land Act* have been proposed in Bill C-49 (June 14, 1996) to implement recommendations of the agencies review. The existing system of ten "provincial advisory boards" – which review and approve any proposed action to be taken when a veteran's property case falls into default – is to be replaced with a single streamlined committee. Should these amendments be passed by Parliament, consequential changes will be required to the *Veterans' Land Regulations*. These changes would be costless; the main impact would be a less cumbersome procedure to follow in those rare cases where default arises.

Legal authority: *Veterans' Land Act*, subsection 48(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-4-L

Infant or Person of Unsound Mind Payment Order

The Regulatory Review in 1993 recommended the removal of this order as obsolete. It dealt with the payment of post-war grants and other benefits to other individuals, when the veteran was of unsound mind.

Legal authority: *War Service Grants Act*, subsection 5(3)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-5-L

Vetcraft (Discontinuation)

The Budget of February 1995 included the discontinuation of the Vetcraft shops operation, which has provided protected employment to handicapped ex-members of the armed forces in the production of poppies for the Royal Canadian Legion. Very few actual veterans were using this program, and it was no longer needed. By arrangement with the Legion,

the annual production of poppies has been taken over by them. It is therefore planned to remove the *Vetcraft Shops Regulations*.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-6-L

Veterans Allowance Regulations

Under the *War Veterans Allowance Act*, there is provision for paying higher benefits to clients who are blind. The existing definition of blindness will be clarified by adding additional administrative criteria for the recognition of blindness to the Regulations. As well, the Regulatory Review of 1993 recommended simplification of the provision dealing with the reimbursement to provinces and municipalities of advance payments made to clients awaiting their allowances. Other housekeeping amendments are also planned, to update cross-references to other enactments and to ensure gender neutrality.

There will be no costs; the impact on clients will be a speedier determination of their entitlement to benefits when blind. Consultation with the principal veterans' organizations is planned.

Legal authority: *War Veterans Allowance Act*, section 25

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-7-L

Veterans Health Care Regulations (Housekeeping)

A number of administrative and housekeeping changes are needed to these regulations, which authorize the provision of many different forms of health care to veterans. For example, a number of provisions deal with benefit rates which applied during various periods in the past, which should now be removed as obsolete.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Future initiatives

Benefits Redesign Project

In 1993, Veterans Affairs Canada embarked on this project to assess opportunities for using innovation in service delivery systems and improvements in benefit administration to make client service delivery more efficient. The first phase of the project (the concept phase) was completed in February 1995 and resulted in a decision to meet Veterans Affairs' future service delivery requirements by using the Client Service Delivery Network (CSDN) currently being implemented by the Income Security Programs (ISP) branch of Human Resources Development Canada. It is intended to modify the ISP network in areas where Veterans Affairs' requirements or needs are different.

As this project passes through its scheduled definition and implementation phases over the next few years, there should not be any requirement for legislative changes in order to implement the CSDN; however, legislative and regulatory changes may be pursued to enhance its overall effectiveness.

Veterans' organizations and stakeholders, such as Treasury Board and impacted departments, will be fully consulted as the project evolves.

Classification: Intermediate-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Education Programs (Discontinuation)

The Budget of February 27, 1995 included the phased discontinuation of two education programs: the *Pensioners Training Regulations* and the *Children of Deceased Veterans Education Assistance Act*. Currently enrolled clients may continue their education programs to completion, but no new clients may be admitted. It is planned, therefore, to repeal these programs in several years, after the last clients have completed their education programs.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Guardianship of Veterans' Benefits

Legislation was passed in 1990 to authorize modernized regulations dealing with cases where clients suffer from decreased ability to manage their own financial affairs, and allowing such alternative payment procedures as third-party administration for the client's benefit, departmental administration for the client's benefit or transfer to a provincially recognized guardian. Legal problems with some aspects of these proposals have been revealed, and a reassessment of this initiative is under way.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Veterans Property Delegation Regulations

The Regulatory Review of 1993 recommended the removal of the *Delegation of Powers (VLA) Regulations* and the *Execution of Purchase of Property Documents Regulations* as obsolete; their removal may require amendments to the *Veterans' Land Act*.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Atomic Energy Control Board

General information

Roles and responsibilities

The Atomic Energy Control Board (AECB) is a federal Crown corporation established in 1946 by the *Atomic Energy Control Act*. To ensure that the use of nuclear energy in Canada does not pose undue risk to health, safety, security and the environment, the AECB regulates and licences nuclear materials and prescribed substances in cooperation with other federal and provincial departments in such areas as health, environment, transport and labour.

The AECB sets standards, imposes requirements and assesses applicants' capabilities to comply. Once a licence is issued, the AECB carries out compliance inspections to ensure adherence to licence conditions and the *Atomic Energy Control Regulations*. To ensure that Canada's national policies and international commitments relating to the non-proliferation of nuclear explosives are met, the AECB controls all imports and exports of nuclear materials and items, in co-operation with other federal government agencies.

The AECB is also responsible for the designation of nuclear installations for the purposes of the *Nuclear Liability Act*. It also prescribes basic insurance to be carried by the operators of such designated installations. The amount of basic insurance is subject to approval by the Treasury Board.

Legislative mandate

The following legislation is administered by the Atomic Energy Control Board:

- *Atomic Energy Control Act*
- *Nuclear Liability Act*

Initiative for 1997

AECB/R-1-1

Uranium Mines (Ontario) - Occupational Health and Safety

These amendments arise from changes to referenced Ontario regulations.

The *Uranium Mines (Ontario) Occupational Health and Safety Regulations* enable the application of Ontario

laws respecting non-radiological health and safety in uranium mines. To ensure conformity, the legal reference in federal regulations must be amended each time a decision is made by the Province of Ontario to amend the *Ontario Occupational Health and Safety Act and Regulations*.

To assess the impact of amended regulations, the Province of Ontario carries out a process for public consultation.

Legal authority: *Atomic Energy Control Act*, section 9

Contact: Bernard Gerestein, Head, Regulatory Affairs and Board Operations, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel.: (613) 995-6618; Fax: (613) 995-5086.

Canadian Environmental Assessment Agency

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Regulatory approach

The legal framework for federal environmental assessment is set out in the *Canadian Environmental Assessment Act* and its five regulations. Further regulations are being developed to enhance this framework. The Agency's goals in developing future regulations are to ensure that the environmental assessment process is efficient and predictable, and that there is consistent application of environmental assessment to decisions within federal jurisdiction.

The Agency is exploring alternatives to regulations to facilitate harmonization of environmental assessment with provincial and Aboriginal governments, and to promote the use of environmental assessment in the private sector. Specifically, the Agency is working with the Canadian Standards Association to develop an environmental assessment standard for projects at the screening stage of the process (generally small scale projects).

General information

Roles and responsibilities

The Canadian Environmental Assessment Agency was created by, and derives its mandate from, the

Canadian Environmental Assessment Act.

Objectives of the Agency are:

- to administer the environmental assessment process established under the Act;
- to promote uniformity and harmonization in environmental assessment in Canada at all levels of government;
- to promote or conduct research in environmental assessment and encourage the development of new techniques and practices; and
- to ensure an opportunity for public participation in the environmental assessment process.

Legislative mandate

The Agency administers the *Canadian Environmental Assessment Act*.

Administrative arrangements

Although the Agency is not responsible for legislation under the jurisdiction of other ministers, it should be noted that sections of other legislation may "trigger" requirements under the Act. The requirement of certain permits (under the *Fisheries Act*, for example) may mean that an environmental assessment is required. All these legislative provisions are located in the *Law List Regulations*.

Initiatives for 1997

CEAA/97-1-L

Designation of Federal Authorities

As the organisation of the government changes, it may be necessary to designate certain entities as "federal authorities" for the purpose of the *Canadian Environmental Assessment Act*. The goal of these designations would be to ensure that environmental assessment is applied consistently in areas of federal jurisdiction. For instance, the Agency is currently considering environmental assessment requirements with respect to private operations occurring on federal land. Future federal authorities regulations will be similar to the regulations that have been promulgated to designate the Canada-Newfoundland Offshore Petroleum Board as a "federal authority."

These regulations may result in environmental assessment administration costs to the designate entities that are higher than would be incurred if the regulations, were not promulgated. The key benefit of the regulations is that the environmental implications of decisions with respect to projects would be considered.

Legal authority: *Canadian Environmental Assessment Act*, section 59(i)(v)

Contact: Jim Clarke, Regulatory Development and Compliance Monitoring Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-2253; Fax: (819) 994-1469.

CEAA/97-2-I

Inclusion List Regulations - Part II

The *Inclusion List Regulations* list the physical activities not relating to physical works that will be subject to the *Canadian Environmental Assessment Act* process. They were published in the *Canada Gazette* Part II on October 19, 1994. All physical activities on the list are related to entities named in the *Law List Regulations* or *Comprehensive Study List Regulations*. The cost-benefit analysis was undertaken in conjunction with those analyses performed for the *Law List Regulations* and *Comprehensive Study List Regulations*.

The *Inclusion List Regulations* Part II will include physical activities other than those related to *Law List Regulations* and *Comprehensive Study List Regulations* entries. It will name only physical activities that may have significant environmental effects that cannot be routinely mitigated.

The costs of the additions to the *Inclusion List Regulations* are primarily associated with possible delays in decision making as well as actual costs incurred, and the creation of additional uncertainties as to whether a given activity will ultimately be approved. The benefits are measured in terms of environmental damages that are avoided, whether through mitigation or the withholding of permits and approvals that would allow a project to be carried out. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/96-14-I.

Legal authority: *Canadian Environmental Assessment Act*, section 59(b)

Contact: David Barnes, Regulatory Development and Compliance Monitoring, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull,

Quebec, K1A 0H3. Tel.: (819) 997-2211;
Fax: (819) 994-1469.

CEAA/97-3-L

Federal Co-ordination (formerly One Project-One Assessment)

The *Federal Co-ordination Regulation* will set out a process to be followed in situations where several federal authorities are required to conduct a federal environmental assessment for one project. Such cases are expected to arise for large projects, since federal authorities may be involved as proponents by carrying out the project, by providing funding or an interest in federal lands, or by issuing licenses or permits. The goal of the *Federal Co-ordination Regulation* is to ensure a predictable, timely screening process, and that as far as possible there is a single federal environmental assessment for each project subject to the *Canadian Environmental Assessment Act*, without compromising the intent of the Act.

The regulations contain the following key elements:

- identification and notification of federal authorities that may be involved in a project as responsible authorities or as expert departments according to a timeline;
- consultation among federal authorities regarding the scope of the environmental assessment for the project;
- release of environmental assessment determinations by all responsible authorities according to an agreed schedule; and
- coordination of all responsible authorities' interests and involvements in comprehensive study recommendations.

The *Federal Co-ordination Regulation* will result in an efficient allocation of funds available for environmental assessment through eliminating duplication of effort by different federal authorities. This regulation will not involve any additional financial or environmental costs. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/95-21-L.

Legal authority: *Canadian Environmental Assessment Act*, section 59(a)

Contact: Brad Parker, Comprehensive Study Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3.
Tel.: (819) 953-5044; Fax: (819) 994-1469.

CEAA/97-4-L

Projects Outside Canada

This regulation will adapt the federal environmental assessment process for projects outside of Canada and any federal lands; for example, projects to be carried out under international development assistance programs.

The regulation will ensure that projects outside Canada comply with the principles of the *Canadian Environmental Assessment Act*. At the same time, the regulation will ensure that the sovereignty of foreign states is respected, that assessments are conducted in accordance with the principles and practice of international law, and that environmental assessment procedures suit conditions present in foreign states.

Given that the Act applies to projects outside Canada in the absence of a regulation, environmental assessment costs incurred by federal authorities are not likely to be higher if the regulation is promulgated. In fact, such costs may be lower since the regulation may limit the legal responsibilities of responsible authorities to carry out certain elements of the environmental assessment process under the Act. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/95-20-L.

Legal authority: *Canadian Environmental Assessment Act*, section 59(i)(ii)

Contact: Martin Green, Executive Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-7708; Fax: (819) 994-1469.

CEAA/97-5-L

Panel Procedures (formerly *Procedural Regulation*)

These procedures will set out the manner in which federal environmental assessment panels conduct reviews, beginning when a responsible authority refers a project for panel review, and ending when the government responds to the panel report. Timelines and procedures related to participant funding may also be included in the panel procedures.

The goal of the panel procedures is to ensure that the federal environmental assessment panel review process is fair, timely and efficient. The procedures will lead to better-substantiated, and more traceable government decision-making with respect to projects, since consistent procedures will be applied to each one.

Consideration is being given as to whether a regulation or a guideline, or a combination of both, would be most appropriate for the panel procedures.

In the future, guidelines or regulations for other parts of the federal environmental assessment process may be developed. In the meantime, procedural advice is available from a series of guidance documents published by the Agency. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/95-22-L.

Legal authority: *Canadian Environmental Assessment Act*, section 59(a)

Contact: Jim Clarke, Regulatory Development and Compliance Monitoring Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-2253; Fax: (819) 994-1469.

CEAA/97-6-M

Aboriginal Reserve Lands/Indian Band Funding

To apply federal environmental assessment to projects to be carried out on reserve land, and to projects carried out by band councils that are funded by the federal government, the process set out in the *Canadian Environmental Assessment Act* needs to be adapted to suit the First Nations.

Based on the results of consultations with First Nations, the Agency is exploring the possibility of proceeding with the development of an environmental assessment standard in co-operation with interested First Nations. If a standard was developed, consideration would be given to promoting a wider application of it to First Nations, and incorporating it by reference into a regulation.

An environmental standard and/or regulation may result in higher administration costs to First Nations. These costs are likely to be offset, at least in part, by lower costs incurred by federal authorities which may delegate assessments under the Act to Band Councils. Benefits of the standard and/or regulation include better environmental and economic information for First Nations to use in decision-making, and greater empowerment among First Nations with respect to projects affecting them. This initiative appeared in the 1995 *Federal Regulatory Plan* as EC/95-23-O-M.

Legal authority: *Canadian Environmental Assessment Act*, section 59(i)(i),(l)

Contact: Michel Tatlock, Aboriginal Affairs Team, Canadian Environmental Assessment Agency, 200

Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3.
Tel.: (819) 953-9982; Fax: (819) 994-1469.

CEAA/97-7-M

Crown Corporations

Rules are being developed to set out the manner of conducting environmental assessments for projects for which Crown corporations within the meaning of the *Financial Administration Act*, and their majority-owned subsidiaries, are responsible.

The rules will take into account the particular commercial and competitive circumstances of the Crown corporations, and the diversity of their activities and responsibilities. It is anticipated that the environmental policies and initiatives of Crown corporations will be used as a foundation for the environmental assessment process described in the rules.

Under the *Canadian Environmental Assessment Act*, Crown corporations are not always required to carry out assessments of the environmental effects of projects. Since private sector competitors are often required to carry out environmental assessment, the rules will likely not affect the competitiveness of commercial Crown corporations. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/91-278-M.

Legal authority: *Canadian Environmental Assessment Act*, section 59(j),(k)

Contact: Barbara Lukaszewicz, Regulatory Development and Compliance Monitoring Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3.
Tel.: (819) 953-0755; Fax: (819) 994-1469.

Future initiatives

Environmental Assessment Standard

The Agency is currently working the Canadian Standards Association to develop an environmental assessment standard at the screening level. The goals of this initiative are: to provide proponents with the tools they need to comply with the *Canadian Environmental Assessment Act* to ensure consistency and quality in environmental assessment and to promote the use of environmental assessment in the private sector.

In the future, the environmental assessment standard could become part of government policy, or be

incorporated into the framework of federal environmental assessment.

Until the initiative is further developed, its cost implications are uncertain. Costs could be associated with more environmental assessments being undertaken, though savings may result from the greater involvement of the private sector in environmental assessment. The key benefit would be that the environmental implications would be considered earlier in the planning process by private sector decision-makers.

Classification: Intermediate-cost initiative

Contact: Michel Girard, Environmental Assessment Enhancement Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-4578;
Fax: (819) 994-1469.

Minimal Federal Involvement

The *Minimal Federal Involvement Regulation* would set out projects or classes of projects for which a federal environmental assessment is not required, since the contribution of the responsible authority to the project is minimal. It would in principle ensure a more effective use of federal resources devoted to environmental assessment, avoid duplication of environmental assessment processes, and also avoid undue delays for those projects having minimal federal involvement.

After analysis and discussion with stakeholders, it appears that such a regulation may be impracticable because of the difficulty in establishing an absolute minimal test for the land, financial and regulatory triggers described in section 2 of the *Canadian Environmental Assessment Act*. It appears that the determination of minimal under a test of relativity would be more time consuming than conducting a screening for a project, especially in the situation where there are multiple responsible authorities. This initiative appeared in the 1996 *Federal Regulatory Plan* as EC/93-30-L.

Classification: Low-cost initiative

Contact: Brad Parker, Comprehensive Study Team, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3.
Tel.: (819) 953-5044; Fax: (819) 994-1469.

Canadian International Trade Tribunal

General information

Roles and responsibilities

The Canadian International Trade Tribunal (the Tribunal) is an administrative tribunal operating within Canada's trade remedies system. It is an independent quasi-judicial body that carries out its statutory responsibilities in an autonomous and impartial manner. For purposes necessary or proper for the due exercise of its jurisdiction, it has the powers, rights and privileges vested in a superior court of record.

The Tribunal's mandate is to conduct inquiries into whether dumped or subsidized imports are causing injury to Canadian production; conduct inquiries into complaints by domestic producers that increased imports are causing, or threatening to cause, serious injury to domestic producers; conduct inquiries and provide advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance; consider complaints by potential suppliers concerning any aspect of the procurement process that relates to a designated contract; and hear taxpayer's appeals of customs and excise decisions of the Department of National Revenue. The Tribunal reports to Parliament through the Minister of Finance.

Legislative mandate

The statutes under which the Tribunal obtains its jurisdiction are the:

- *Canadian International Trade Tribunal Act*
- *Customs Act*
- *Energy Administration Act*
- *Excise Tax Act*
- *Softwood Lumber Products Export Charge Act*
- *Special Import Measures Act*

Initiative for 1997

CITT/96-1-L

Canadian International Trade Tribunal Rules

Through this initiative, the Tribunal will amend those provisions of its rules of procedure considered

problematic or unresponsive to its needs or those of its stakeholders or that require modification due to amendments to the legislation under which the Tribunal obtains its jurisdiction. In addition, deficiencies or gaps in the rules will be corrected. These amendments should result in more efficient and cost-effective proceedings before the Tribunal. External consultations involving the Tribunal's major stakeholders shall be conducted. No alternatives were considered.

Legal authority: *Canadian International Trade Tribunal Act*, section 39

Contact: Gerry Stobo, General Counsel, Canadian International Trade Tribunal, 333 Laurier Avenue West, Ottawa, Ontario, K1A 0G7. Tel.: (613) 991-9247; Fax: (613) 998-1322.

Canadian Radio-television and Telecommunications Commission

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General information

Roles and responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC), a public authority that is organizationally and legally independent of government departments, does not require ministerial approval for its regulatory initiatives. The CRTC was established by Parliament in 1968 by the *Broadcasting Act* to regulate and supervise all aspects of the Canadian broadcasting system. Its responsibilities were enlarged in 1976 by the *CRTC Act*, under which the Commission assumed responsibility for regulating telecommunications carriers within federal jurisdiction, in accordance with the *Railway Act* and the *National Telecommunications Powers and Procedures Act*.

Under the 1991 *Broadcasting Act*, the CRTC must "regulate and supervise all aspects of the Canadian broadcasting system" with a view to implementing the policy outlined by Parliament in subsection 3(1) of the Act, having regard to the regulatory policy set out in subsection 5(2). The CRTC, which regulates both public and private broadcasters, has the power to issue, renew, amend, suspend or revoke licences and to set conditions of licence for the achievement of the objectives of the Act.

The 13 full-time members and six part-time members of the Commission, or the members of a panel for a public hearing, make decisions with respect to all broadcast licensing matters and determine the Commission's broadcasting policies. The Commission prescribes classes of broadcasting licences, and makes by-laws, regulations and rules of procedure.

Regulations on broadcasting matters are issued following public consultation in accordance with subsections 10(3) and 11(5) of the *Broadcasting Act*. Where major changes to the broadcasting regulations are proposed, written comments are invited and an oral public hearing may be held at which interested parties present their views. Public hearings are also held in connection with the issuance, suspension or revocation of a licence, the establishment of performance objectives for the purpose of licence fees and the making of orders, in accordance with subsection 18(1) of the *Broadcasting Act*. They are frequently held in connection with the renewal or amendment of a licence, pursuant to subsection 18(2). In addition, the Commission solicits public opinion before developing policies and practices or modifying existing ones.

The CRTC's regulatory mandate with respect to telecommunications derives from several statutes, including the *Telecommunications Act* (which, effective October 25, 1993, replaced the telecommunications-related sections of the *Railway Act* and the *National Telecommunications Powers and Procedures Act*) and special acts for some of the federally regulated carriers. Section 25 of the *Telecommunications Act* requires that a carrier's rates be filed for approval by the Commission; section 27 states that all such rates shall be just and reasonable, and that a carrier shall not unjustly discriminate or give any undue preference or advantage in respect of its services or rates. The CRTC also seeks public comment on applications from federally regulated carriers and other parties, and often holds public hearings on general rate increases or significant policy issues.

The issuance, amendment or renewal of any broadcasting licence may be set aside or referred back to the Commission for reconsideration and hearing, by order of the Governor in Council. Subject to such an order or a decision of the Federal Court of Appeal, every broadcasting decision and order of the Commission is final and conclusive.

Under section 12 of the *Telecommunications Act*, the Governor in Council can vary, rescind or refer back decisions made by the Commission relating to the federally regulated telecommunications carriers.

An appeal against a broadcasting or telecommunications decision or order of the Commission may be made, with leave, to the Federal Court of Appeal upon a question of law or a question of jurisdiction.

The activities of this Commission, such as the licensing of broadcasting undertakings or the approval of the interconnection of telecommunications carriers, are frequently in response to private-sector initiatives and cannot, therefore, be planned in advance. In some instances, notices of these activities are published in *Canada Gazette*, Part I.

Legislative mandate

- *Broadcasting Act*
- *Canadian Radio-television and Telecommunications Act*
- *Telecommunications Act*

Initiatives for 1997

CRTC/94-5-L

Radio, Television and Specialty Services Regulations

On June 12, 1995, Mr. Justice Dubé of the Federal Court Trial Division ruled that Subsection 6(2) of the *Television Broadcasting Regulations*, 1987, which in effect prohibits advertising on television of spirits-based beverages over 7 per cent alcohol by volume, is contrary to the *Canadian Charter of Rights and Freedoms*. Following public consultation, on August 1, 1996, the Commission issued Public Notice CRTC 1996-108 which announced changes to the regulatory framework for the broadcast of alcoholic beverage advertising. Among other things, the Commission's new framework consists of a strengthened *Code for Broadcasting Advertising of Alcoholic Beverages*, the elimination of the requirement to pre-clear alcoholic beverage advertisements, a requirement and reporting structure for the broadcast of educational messages about the negative aspects of alcohol consumption, and the elimination of the restriction on who may sponsor advertisements for alcoholic beverages. The notice also seeks public comment by October 1, 1996 on proposed amendments to the *Radio, Television and Specialty Services Regulations* to accord with the Commission's revised regulatory framework for alcoholic beverage advertising.

Legal authority: *Broadcasting Act 1991*, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage,

Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/95-2-L

Digital Radio

In October 1995, the Commission released Public Notice CRTC 1995-184 entitled "A Policy to Govern the Introduction of Digital Radio". The notice outlined a two-stage approach in which transitional licences for digital radio undertakings that generally simulcast the programming of an associated analogue radio service will be approved in the short-term, and a broad policy process will be held in the long-term. The notice indicated that the Commission was prepared as of that date to accept applications for transitional digital radio licences. The long-term policy process is expected to begin in 1997.

Legal authority: *Broadcasting Act 1991*, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/97-1-I

Broadcasting Licence Fee Regulations

The Commission will be revisiting its *Broadcasting Licence Fee Regulations* to introduce provisions to make a portion of fees payable on April 1 instead of November 1, as is presently the case. This change is to provide operating funds as a result of the introduction of vote netting. The aggregate fee contributions paid by the industry will remain at the same level as provided under the existing fee regulations. The Commission will, at the same time, be bringing the Regulations in line with the *Broadcasting Act* (1991, c. 11, section 1), exempt approximately 2,200 licensees from paying the minimum \$25.00 filing fee, and introduce provisions to allow interest to be charged on outstanding licence fee accounts as previously announced in the 1996 *Federal Regulatory Plan* as CRTC/96-3.

Legal authority: *Broadcasting Act 1991*, section 11

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

Broadcast Distribution Regulations

The move towards increased competition amongst different distributors of broadcasting services and the rapid pace of technological change related to the means of distribution (as identified, in accordance with Order in Council P.C. 1994-1689, in the Commission's report to government entitled "Competition and Culture on Canada's Information Highway: Managing the Realities of Transition") requires the Commission to conduct a review of existing regulatory and policy provisions applied to broadcasting distribution undertakings to ensure that the provisions remain appropriate. In Public Notice CRTC 1996-69, May 17, 1996, the Commission proposed a number of possible amendments to the existing *Cable Television Regulations, 1986* (in the areas of regulatory framework, signal carriage, programming contributions, simultaneous program substitution, rate regulation and transfers of ownership and control). It is anticipated that most distribution undertakings, excluding certain smaller undertakings as described in the notice, will become subject to common broadcasting distribution regulations (as distinct from the current case where detailed regulations exist only for cable distribution undertakings). A detailed two-stage public process has been initiated which will lead to a public hearing in October 1996. Following that process, revised *Broadcast Distribution Regulations*, also to include regulations concerning access rules as announced in Public Notice CRTC 1996-60, are expected to be issued for public comment in early 1997, for implementation in the latter part of 1997. These initiatives were previously announced in the 1996 *Federal Regulatory Plan* as CRTC/96-1 and CRTC/96-4.

Legal authority: *Broadcasting Act 1991*, section 10

Contact: Rosemary Chisholm, Director General,
Secretariat Operations, 1 Promenade du Portage,
Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

Canadian Transportation Agency

Initiatives for 1997

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Regulatory approach

As a result of the government's review of its involvement in many areas to rationalize its operations and prevent excessive regulation of industry, the Canadian Transportation Agency is revoking regulations that are no longer necessary, and is seeking alternatives to regulations.

In view of the Agency's changing mandate, the progress report outlines various regulations that the Agency intends to revoke or amend through the Fall 1996 miscellaneous amendments regulations.

In its continued efforts to improve access for persons with disabilities to all modes of transportation under federal jurisdiction, the Agency is examining alternative approaches, such as the use of codes of practice. These codes of practice present minimum standards that transportation providers are expected

to meet, and are urged to exceed wherever feasible. However, when appropriate, regulations will continue to be used for the purpose of eliminating undue obstacles to the mobility of persons with disabilities.

Consequently, draft regulations that had been prepared for a number of the Agency's regulatory initiatives related to accessible transportation have been, or are being, translated into a code-of-practice format (see progress report). These codes are being developed in close consultation with the Agency's Accessibility Advisory Committee, which comprises representatives of industry, manufacturers, other government departments, and organizations of and for persons with disabilities. These codes will also be given wide distribution for comment and amended as required, before they are implemented.

General information

Roles and responsibilities

The Canadian Transportation Agency (the Agency) was created on July 1, 1996, under the provisions of the *Canada Transportation Act* (S.C. 1996, chapter 10), as the successor to the National Transportation Agency of Canada. The Agency is responsible for the economic regulation of modes of transportation under federal jurisdiction.

The Agency is an independent body that reports to Parliament through the Minister of Transport. Headquarters are located in the National Capital Region. The Agency is a quasi-judicial administrative tribunal. It has all the powers, rights and privileges of a superior court in Canada with respect to matters within its jurisdiction.

The national transportation policy contained in section 5 of the *Canada Transportation Act* sets out the Agency's mandate; it states that: "... a safe, economic, efficient and adequate network of viable and effective transportation services accessible to persons with disabilities and making the best use of all available modes of transportation at the lowest total cost is essential to serve the transportation needs of shippers and travellers, including persons with disabilities, and to maintain the economic well-being and growth of Canada and its regions ..." This policy encourages a dynamic and competitive business environment.

The Agency exercises its powers through a quasi-judicial administrative tribunal, and is organized into four branches: Air and Accessible Transportation Branch; Rail and Marine Branch; Legal, Secretariat and Communications Services Branch; and Corporate Management Branch.

On July 3, 1996, two new regulations, namely the *Railway Third Party Liability Insurance Coverage Regulations* and the *Railway Traffic and Passenger Tariff Regulations*, as well as amendments to the existing *Air Transportation Regulations* came into force. Under its new mandate, the Agency will make other new regulations, will make amendments to existing regulations, and will repeal obsolete regulations by means of a miscellaneous amendments regulation. This report outlines the regulatory changes the Agency anticipates will be required to conform with the *Canada Transportation Act*.

Legislative mandate

- *Aeronautics Act*
- *Canada Transportation Act*
- *Coasting Trade Act*
- *Energy Supplies Emergency Act*
- *Excise Tax Act*
- *Expropriation Act*
- *National Energy Board Act*
- *Pilotage Act*
- *Railway Relocation and Crossing Act*
- *Railway Safety Act*
- *St. Lawrence Seaway Authority Act*
- *Shipping Conferences Exemption Act, 1987*

Initiatives for 1997

Air and Accessible Transportation Branch

NTA/96-1-M

Air Transportation Regulations - Air Fares in Large Aircraft for Attendants of Persons with Disabilities

To improve accessibility to domestic air transportation with regards to air fares for attendants of passengers with disabilities, and to help ensure that these persons receive the same service as other passengers when travelling on aircraft of 30 seats or more, the Agency proposes to take measures in this area.

These measures would not place an undue financial burden on the industry. The estimated annual cost to the airline industry, in terms of revenue loss, would be

in the order of \$1,500,000 (high estimate) or \$700,000 (low estimate) in 1991 Canadian dollars, or less than a fraction of one per cent of total domestic passenger revenues.

The Agency has consulted with: organizations of and for persons with disabilities; domestic air carriers and charterers and their associations; health professionals; provincial and federal government departments having an interest in persons with disabilities; central agencies; and other interested persons. Other stakeholders were made aware of the Agency's plans through both a notice in the *Canada Gazette*, and distribution of the plans for comment.

Legal authority: *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575; Internet: <http://www.cta-otc.gc.ca>

CTA/97-1-L

Personnel Training for the Assistance of Persons with Disabilities Regulations

These regulations prescribe training which personnel working in the transportation network must undergo to ensure that travellers with disabilities have access to a consistent level of service. The Agency proposes to make minor amendments to these regulations, primarily to clarify to which carriers and terminal operators they apply.

The Agency will consult mainly with: organizations of and for persons with disabilities; domestic carriers and their associations; terminal operators; provincial and federal government departments having an interest in persons with disabilities; central agencies; and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

Legal authority: *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575; Internet: <http://www.cta-otc.gc.ca>

NTA/96-12-I

Air Transportation Regulations - Insurance Provisions

The insurance provisions in the *Air Transportation Regulations* were carried over from the *Air Carrier Regulations* and were last amended in 1983. At that time, the former regulatory body gave an undertaking to air carriers and insurance brokers and underwriters that these specific regulations would be reviewed in three years. Because of fundamental changes in recent years to the economic regulation of air transportation, this review could not be conducted by the former regulatory body.

The insurance provisions are now being reviewed. Consultations have taken place with selected air carriers, government departments and agencies, insurance underwriters, and air carrier associations. It is anticipated that this review will result in amendments being made to ensure that those affected by aircraft accidents will receive just and reasonable compensation.

Since most large air carriers operating to and from Canada already carry liability insurance coverage in excess of the required minimums, the costs associated with any proposed changes are considered to be insignificant. Although there will be additional costs associated with this initiative for some of the smaller air carriers licensed in Canada, the benefits associated with any proposed changes, which would result in added consumer protection in the event of a serious accident, are considered to outweigh the costs.

Legal authority: *Canada Transportation Act*, section 86

Contact: John Jacob, Manager, Financial Evaluation, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-8960; Fax: (819) 953-5562; Internet: john.jacob@cta-otc.x400.gc.ca

NTA/96-14-I

Air Transportation Regulations - International Charters and Tariffs

The Agency is examining international charter provisions in the *Air Transportation Regulations* as part of the government's review of existing regulations to ensure that the use of the government's regulatory powers results in the greatest possible prosperity for Canadians.

The Agency intends to streamline the Regulations (Part III) to reduce the regulatory burden. The Agency

intends to simplify and consolidate the Regulations and, where appropriate, to make the regulations on international charters more consistent with Canada-U.S. charter provisions. With respect to tariffs, the Agency intends to address changing industry practices.

Should regulatory changes arise from the review, an examination of benefits and costs will depend on the specific proposals developed.

Legal authority: *Canada Transportation Act*, section 86

Contacts: Rosemary E. Baldwin, Senior Economic Advisor, Agreements, Tariffs and Enforcement Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-9795; Fax: (819) 953-5562; Internet: rosemary.baldwin@cta-otc.x400.gc.ca

Greg Danylchenko, Manager, Tariffs, Agreements, Tariffs and Enforcement Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6419; Fax: (819) 953-5686; Internet: greg.danylchenko@cta-otc.x400.gc.ca

CTA/97-2-I

Air Transportation Regulations (Minor)

Further to the amendments to the regulations which were published in Part II of the *Canada Gazette* on July 24, 1996, amendments will be made to incorporate comments received within the 60-day period and to correct typographical and clerical errors. There is no monetary cost or benefit to this initiative.

Legal authority: *Canada Transportation Act*, section 86

Contact: Rosemary E. Baldwin, Senior Economic Advisor, Agreements, Tariffs and Enforcement Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-9795; Fax: (819) 953-5562; Internet: rosemary.baldwin@cta-otc.x400.gc.ca

Rail and Marine Branch

NTA/96-18-I

Railway Costing Regulations

These regulations govern the format under which railway cost submissions must be filed with the Agency. This initiative to amend the Regulations is intended to remove redundant legislative references,

and to make the Regulations conform with the new *Canada Transportation Act*, revised costing practices, and document filing requirements that are being developed in accordance with the new Act's thrust toward simplification of procedures.

These revisions to the Regulations will ensure a uniform framework for use in determining railway costs for various applications brought before the Agency, including cost adjustments to maximum grain rates; the development of interswitching rates; the 1999 statutory review of the impact of the new *Canada Transportation Act* on the efficiency of grain handling and transportation, cost-based rate and service complaints, and certain competitive access provisions. Implementing these amendments will benefit the railways by simplifying reporting requirements, and by reducing the resources needed to file information with the Agency. The Agency will consult with interested parties in the development of the amendments.

Legal authority: *Canada Transportation Act*, section 157

Contact: Neil Thurston, Director, Rates and Cost Development Directorate, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

NTA/96-37-I

Uniform Classification of Accounts

This regulation prescribes a uniform accounting system for Canadian National Railway and CP Rail, for the purposes of submitting costing, revenue and expense information to the Agency. It is designed to ensure a consistent manner of reporting railway data to the Agency. Accounts may also be prescribed for any other railway within the legislative authority of Parliament.

Consequential amendments will be required to ensure that this regulation conforms with the new *Canada Transportation Act*. Amendments may also be required to reflect changes in railway costing procedures that are under development.

Legal authority: *Canada Transportation Act*, section 156

Contact: Neil Thurston, Director, Rates and Cost Development Directorate, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

CTA/R-1-I

Railway Interswitching Regulations - Rate Adjustment

The *Canada Transportation Act* requires that railway companies perform interswitching that is, transfer the traffic of a shipper to the lines of a railway other than one serving the shipper directly, whenever this shipper is located within 30 km of a connection or interchange with a second railway. This regulatory initiative is intended to establish the charges a railway may impose for performing interswitching during the 1998 calendar year.

The amended rates will ensure that railways performing interswitching in 1998 are adequately compensated for the costs of providing the service, and that shippers will have access to the services of a second railway at a price that will not impede the transfer of traffic from one railway company to another.

Legal authority: *Canada Transportation Act*, section 128

Contact: Paul Juneau, Director, Rail and Marine Complaints and Audit Services, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-0374; Fax: (819) 953-5564.

General

NTA/96-38-I

Cost Recovery Regulations

Pursuant to the government's policy on "External User Charges for Goods, Services, Property, Rights and Privileges," and pursuant to subsection 34(1) of the *Canada Transportation Act*, the Agency intends to implement regulations to charge carriers and other parties fees for some functions of the Agency.

Adoption of this initiative would reduce the government's net cost of providing some services. The Agency will consult carriers and other interested parties before republishing any proposal in Part I of the *Canada Gazette*.

Legal authority: *Canada Transportation Act*, subsection 34(1)

Contact: Luc Gaudet, Director, Planning, Corporate Management Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-2829; Fax: (819) 953-9473.

NTA/96-39-I

Designated Provisions Regulations - Enforcement

The *Canada Transportation Act* contains general enforcement provisions that include the authority to impose administrative monetary penalties as a consequence of a person's failure to comply with a legal requirement.

These regulations will specifically designate which provisions of the Act, regulations, order or directive made pursuant to this act, or any condition of a licence issued under this act, will be subject to administrative monetary penalties, as well as the penalties to be imposed for each violation. The statute sets out a maximum penalty of \$25,000 in the case of a corporation, and of \$5,000 in the case of an individual.

This initiative will improve compliance, more effectively deter violations, and result in more cost-efficient enforcement. Further, the initiative is necessary to ensure that the Agency continues to meet its regulatory enforcement responsibilities.

Legal authority: *Canada Transportation Act*, section 177

Contact: Dave Western, Director, Agreements, Tariffs and Enforcement Directorate, Air and Accessible Transportation Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6643; Fax: (819) 953-8798.

NTA/96-40-I

General Rules

These rules set out the procedures to be used by parties appearing before the National Transportation Agency. As a result of the coming into force of the *Canada Transportation Act*, the *General Rules* require amendment to bring them into accordance with the legislation.

Consultations have been conducted with transportation companies, transportation-related associations and transportation lawyers for each mode.

Legal authority: *Canada Transportation Act*, section 17

Contact: Shelley Appleby-Ostroff, Counsel, Legal, Secretariat and Communications Services Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-0788; Fax: (819) 953-9269.

Copyright Board Canada

General information

Roles and responsibilities

Established on February 1, 1989, as the successor of the Copyright Appeal Board, the Copyright Board (the "Board") has five distinct areas of jurisdiction under the *Copyright Act*. Its responsibilities are to:

- establish tariffs for the retransmission of distant television and radio signals (sections 70.61 to 70.67);
- establish tariffs for the public performance of music (sections 67 to 69);
- adjudicate rate disputes between licensing bodies representing classes of copyright owners and users of their works (sections 70.2 to 70.4);
- rule on applications for non-exclusive licences to use published works of unlocatable copyright owners (section 70.7); and
- set compensation, under certain circumstances, for formerly unprotected acts in countries that later join the Berne Convention, the Universal Convention or the Agreement establishing the *World Trade Organization* (section 70.8).

In addition, the Minister of Industry can direct the Board to conduct studies with respect to the exercise of its powers (section 66.8).

Finally, any party to an agreement on copyright royalties payable to a licensing body can file the agreement with the Board within 15 days of its conclusion, thereby avoiding certain provisions of the *Competition Act* (section 70.5).

Legislative mandate

- *Copyright Act*

Initiatives for 1997

CBC/90-690-L

Rules of Practice and Procedure

This regulation defines some of the rules to be followed by the parties dealing with the Copyright Board. It defines instances where it becomes necessary to send notices to people affected by a tariff, and specifies the information to be submitted when filing such a tariff. Finally, this regulation will set the

quorum for various types of proceedings before the Board.

The Regulation will allow parties appearing before the Board to know in advance some of the rules governing the Board 146s hearings.

Legal authority: *Copyright Act*, section 66.6(1)

Contact: Claude Majeau, Secretary, Copyright Board, 56 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

CBC/91-673-L

Regulation on the Deadline for Filing Claims Concerning Rights Arising from the Retransmission of Work Whose Owner is Not Represented by a Collecting Body

This regulation will establish the period during which the owner of the retransmission right may present a claim, pursuant to section 70.66 of the *Copyright Act*, to a collecting body.

Legal authority: *Copyright Act*, section 70.66(3)(b)

Contact: Claude Majeau, Secretary, Copyright Board, 56 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

Hazardous Materials Information Review Commission Canada

Future initiatives

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General information

Roles and responsibilities

The Workplace Hazardous Materials Information System (WHMIS) is a national system that was developed following extensive consultation between organized labour, industry and the federal, provincial and territorial governments to provide employees in the workplace with information on hazards associated with hazardous materials.

Recognizing the importance of striking a balance between the rights and needs of workers to be provided with information on hazardous materials and the right of suppliers and employers to preserve the confidentiality of bona fide confidential business information, the participants agreed to the establishment of an independent adjudicative agency that would determine the validity of claims for exemption from full disclosure, and would provide for appeals arising from such judgments. The Hazardous Materials Information Review Commission was established by the *Hazardous Materials Information Review Act*, passed by the House of Commons in June 1987.

The Commission has the authority, under the *Hazardous Materials Information Review Act*, to make decisions on claims from suppliers or employers for limited exemption from the reporting requirements of WHMIS, on the basis that disclosure would reveal confidential business information. Commission staff also determine whether material safety data sheets or labels accompanying products for which an exemption is claimed comply with the provisions of the *Hazardous Products Act*, Part II of the *Canada Labour Code* and provincial and territorial occupational safety and health legislation.

The Commission is also responsible for convening independent boards to hear appeals of its decisions by claimants, or by other affected parties.

Finally, the Commission has been directed to recover its operating costs through fees for the filing of claims and appeals.

The Commission is headed by a president appointed by the Governor in Council, and is governed by a council of governors consisting of members nominated by representatives of workers, suppliers, employers and members representing the governments of Canada and the provinces and territories. The functions of the council are, among others, to make recommendations to the Minister of Health on changes to regulatory procedures established to review claims for exemption and appeals, and to make recommendations on changes to the fee structure.

The Commission reports to Parliament through the Minister of Health.

Legislative mandate

The statute under the jurisdiction of the Hazardous Materials Information Review Commission is the following:

- *Hazardous Materials Information Review Act*

Future initiatives

Hazardous Materials Information Review Act and Canada Labour Code (Technical)

Amendments to the *Hazardous Materials Information Review Act* are being considered which could be technical in nature, and address a number of deficiencies that require correction to ensure that the Commission's legislative base properly implements the policy, agreed to by the federal and provincial governments, business and organized labour, respecting the Workplace Hazardous Materials Information System (WHMIS). Possible amendments include: correcting inconsistencies between the two official language versions of the Act; better ensuring the protection of confidential business information; and allowing people to apply for access to confidential business information, for reasons of health and safety

in a workplace. Amendments to the *Canada Labour Code* are also proposed, to ensure the protection of confidential business information from forced disclosure under another act. Consequential amendments to the *Appeal Board Procedures Regulations* and *Hazardous Materials Information Review Regulations* will be necessary to reflect the statutory changes.

The alternative to proceeding with these amendments is to leave in the Act several deficiencies that limit the protection of legitimate confidential business information. As well, the Act currently impedes the protection of health and safety of workers, in certain instances where access to confidential business information is obstructed.

Also proposed is an amendment to streamline existing statutory requirements relative to the publication of notices of decision/order in the *Canada Gazette*. This would reduce the Commission's publishing costs.

Industry, labour and federal, provincial and territorial governments have been consulted, and they agree with the proposed amendments.

Classification: Low-cost initiative

Contact: Sharon Watts, Director of Appeals,
Hazardous Materials Information Review
Commission, Suite 9000, 200 Kent Street, Ottawa,
Ontario, K1A 0M1. Tel.: (613) 993-4472;
Fax: (613) 993-4686;
Internet: sharon_watts_at_ncot036@isdtcp3.hwc.ca

Hazardous Materials Information Review Act - Potential for Pesticide Claims to Commission

WHMIS-equivalent information may be required for most products currently excluded from WHMIS, including pesticides. If pesticide products are required to comply with WHMIS-equivalent disclosure requirements, pesticide suppliers may be required to submit claims for trade secret exemption to the Commission.

As pesticides are legislated under the *Pest Control Products Act*, both the *Hazardous Materials Information Review Act* and the *Pest Control Products Act* and their respective regulations will be amended to reflect this new requirement.

Classification: Intermediate-cost initiative

Contact: Sharon Watts, Director of Appeals,
Hazardous Materials Information Review
Commission, Suite 9000, 200 Kent Street, Ottawa,
Ontario, K1A 0M1. Tel.: (613) 993-4472;

Fax: (613) 993-4686;

Internet: sharon_watts_at_ncot036@isdtcp3.hwc.ca

Immigration and Refugee Board

Initiatives for 1997

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General information

Roles and responsibilities

The Immigration and Refugee Board (IRB) is an independent agency created by the adoption of *An Act to Amend the Immigration Act, 1976 and to Amend other Acts in Consequence Thereof* S.C. 1988, chapter 35 (commonly referred to as C-55), which came into force on January 1, 1989. Further amendments were brought to the *Immigration Act* with the coming into force of S.C. 1992, chapter 49 (commonly referred to as C-86) on February 1, 1993, and S.C. 1995, chapter 15 (commonly referred to as C-44) on July 10, 1995. In its present form, the IRB is composed of three divisions, each with its own tribunal; these divisions are: the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD) and the Adjudication Division (AD).

The basic objectives of the IRB are divided among the divisions. The CRDD determines refugee claims made in Canada that have been referred from a senior immigration officer, once a positive determination on eligibility has been made, to the CRDD. The IAD is an appeal tribunal available: to certain categories of persons who have been denied entry to, or ordered removed from, Canada; or to Canadian citizens and permanent residents with relatives whose applications

for permanent residence in Canada have been refused. The AD is a tribunal with jurisdiction over immigration inquiries and detention reviews.

Legislative mandate

The legislative mandate for the IRB derives from Part IV of the *Immigration Act*. The *Immigration Regulations, 1978*, deal with the conditions for admission and removal from Canada of non-Canadian citizens. These regulations relate for the most part to the work of the IAD and the AD. The *Convention Refugee Determination Division Rules*, the *Immigration Appeal Division Rules* and the *Adjudication Division Rules* set out the rules of practice and procedure for the three tribunals.

Initiatives for 1997

IRB/94-1-L

Convention Refugee Determination Division Rules

The *Convention Refugee Determination Division Rules* (the "CRDD Rules") were introduced in February 1989. The coming into force of S.C. 1992, chapter 49, which contained significant amendments to the *Immigration Act*, required that these CRDD Rules be revoked and new CRDD Rules be approved. New CRDD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new CRDD Rules. The initiative will benefit participants in the CRDD hearings process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is taking place with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

The initiative will likely result in amendment of the following CRDD Rules: presiding member; referral to the Refugee Division; participation of the Minister; joinder; change of venue; postponements and adjournments; information respecting claim; preliminary conference; conferences; applications for public hearings and confidentiality; witnesses;

motions; abandonment; withdrawal; reinstatement; translation of documents; and service and filing. Re-evaluation of the time frames referred to in the above and all other CRDD Rules will also form part of the initiative. In addition, the initiative will include new rules regarding notifying the CRDD on: constitutional questions; disclosure; videoconferencing; and counsel of record, and removal thereof.

The initiative will also serve as an opportunity to incorporate certain style changes, and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/96-1-L

Convention Refugee Determination Division Rules - Quorum

A new initiative is required to allow for consequential amendments to the *Convention Refugee Determination Division Rules* as a result of planned changes to the *Immigration Act* that were introduced into Parliament on June 14, 1996 (commonly referred to as C-49).

These changes would permit the CRDD to conduct hearings with single-member panels, rather than the current two member panels, and with three-member panels in certain circumstances.

The initiative will benefit participants in the CRDD hearings process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/96-2-L

Convention Refugee Determination Division Rules - Determination Process

A new initiative is required to allow for consequential amendments to the *Convention Refugee Determination Division Rules* which may be necessary as a result of changes to the Convention refugee determination process, announced in March 1995 by the Chairperson of the Immigration and Refugee Board. The changes will place greater emphasis on the inquiry powers conferred on CRDD members, and on their responsibility for directing all phases of the Convention refugee determination process. This initiative will include new rules on the duties of the refugee claim officer, and on providing additional information respecting the claim.

The initiative will benefit participants in the CRDD hearings process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is taking place with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/94-2-L

Immigration Appeal Division Rules

The *Immigration Appeal Division Rules* (the "IAD Rules") were introduced in October 1990. The coming into force of S.C. 1992, chapter 49, which contained significant amendments to the *Immigration Act*, required that these IAD Rules be revoked and new IAD Rules be approved. New IAD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new IAD Rules. This initiative will benefit participants in the IAD appeal process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is taking place with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

The initiative will likely result in amendment of the following IAD Rules: presiding member; appeals from removal orders or conditional removal orders; appeals by the Minister; appeals by sponsors; change of venue; notice to appear; conferences; disclosure; applications for confidentiality; hearings; applications; motions; witnesses; and service and filing. Re-evaluation of the time frames referred to in the above and all other IAD Rules will also form part of the initiative. In addition, the initiative will include new rules regarding notifying the IAD on: constitutional questions; designated representatives; videoconferencing; and counsel of record, and removal thereof.

The initiative will also serve as an opportunity to incorporate certain style changes, and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/96-3-L

Immigration Appeal Division Rules - Medical Refusal

This initiative will allow for the inclusion of any new rules which become necessary as a result of the anticipated coming into force of immigration regulations on medical inadmissibility. The initiative will also allow for possible amendments to the record rule, in medical refusal appeals.

This initiative will benefit participants in the IAD appeal process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/97-1-L

Immigration Appeal Division Rules - Sponsorship

This initiative will allow for the inclusion of any new rules which become necessary as a result of the anticipated coming into force of immigration regulations on sponsorship requirements.

This initiative will benefit participants in the IAD appeal process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/97-2-L

Immigration Appeal Division Rules - Case Management

This initiative will allow for possible amendments required as a result of present case-management initiatives in the IAD.

This initiative will benefit participants in the IAD appeal process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

IRB/94-3-L

Adjudication Division Rules

The *Adjudication Division Rules* (the "Adjudication Rules") were introduced in February 1993, as a result

of the coming into force of S.C. 1992, chapter 49, which contained significant amendments to the *Immigration Act*. The *Adjudication Rules* replace and supplement relevant provisions of the *Immigration Regulations, 1978* regarding the practice and procedure relating to inquiries and hearings held before an immigration adjudicator.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the *Adjudication Rules*. This initiative will benefit participants in the adjudication inquiries and hearings process, by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is taking place with the Department of Citizenship and Immigration and with other interested parties.

The initiative will likely result in amendment of the following *Adjudication Rules*: joinder; change of venue; postponement and adjournment; official languages; interpreter; translation of documents; conferences; disclosure; witnesses; applications; motions; service and filing; and review of reasons for detention. Re-evaluation of the time frames referred to in the above and all other *Adjudication Rules* will also form part of the initiative. In addition, the initiative will include new rules regarding notifying the Adjudication Division on constitutional questions, and regarding videoconferencing.

The initiative will also serve as an opportunity to incorporate certain style changes, and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629; E-mail: ppalmer@magi.com

National Capital Commission

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Regulatory approach

For many years, the National Capital Commission (NCC) has wanted to update its regulations. The two areas most affected by the application of such regulations are Gatineau Park and the Greenbelt.

Due to the fact that there was an evolution of activities as well as changes in land use, in these areas since the preparation of the last draft revision, the NCC had to study and consider these changes. In addition, it had to consider other needs within the National Capital Region (NCR) as a whole, and consult the public.

The NCC is now in a position to answer the evolution and growth of needs to protect its properties, preserve order and prevent accidents on its properties, in order to better serve the objectives of its mission.

In the course of the renewal of its regulations, the NCC considers the interests of the public in order to better answer its needs.

General information

Roles and responsibilities

The NCC is the federal crown corporation which, under subsection 10(1) of the *National Capital Act*, has the responsibility to: prepare plans for, and assist, in the development, conservation and improvements of the NCR in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance; and organize, sponsor or promote such public activities and events in the NCR as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada.

The Commission acts as an agent of Her Majesty, and must have government approval to undertake its programs and activities.

The means available to the Commission to carry out its mandate are specified in subsection 10(2) of the Act, which authorizes it to: buy, sell, lease, develop and dispose of property; construct parks, highways, bridges, buildings and parkways; maintain and improve its own land and the property of other federal departments and agencies upon request; engage in joint projects with municipalities; make grants; conduct research; preserve historical sites and buildings; co-ordinate the policies and programs of the Government of Canada respecting the organization, sponsorship or promotions by departments of public activities and events related to the NCR; and do anything else incidental to the attainment of its responsibilities.

Sections 11 and 12 of the Act give the Commission the further responsibilities to: co-ordinate the development of federal lands in the NCR; approve proposals to erect or demolish buildings or to change the use of federal lands; and approve proposals by departments to sell lands in the NCR. The various policy instruments available to the Commission continue to be necessary to achieve the physical, social and economic objectives established by the federal government for the NCR. In addition, cooperative efforts with municipal, regional and other federal authorities to achieve common goals will continue to play an important role in determining the Commission's ability to fulfill its mandate.

Legislative mandate

- *National Capital Act*, R.S. 1985, chapter N-4

Initiatives for 1997

NCC/96-1-L

National Capital Commission Property Regulations

These proposed *National Capital Commission Property Regulations* will be made under the authority of section 20 of the *National Capital Act*, and will repeal the *National Capital Commission Traffic and Property Regulations*.

Any person entering NCC Property will be required to comply with revised rules of conduct for the

protection of the properties of the Commission, for preserving order and for preventing accidents therein.

Legal authority: *National Capital Act*, R.S. 1985, chapter N-4

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7. Tel.: (613) 239- 5477;
Fax: (613) 239-5404.

NCC/97-1-L

Boating Restrictions on Leamy Lake Regulations

The proposed *Boating Restrictions on Leamy Lake Regulations* will be made under the authority of section 20 of the *National Capital Act*. The purpose of these regulations is to ensure order and the prevention of accidents on Leamy Lake, located in Hull, Quebec, and the protection of the lake, which has been opened to the navigation of motorboats since the opening of the Casino de Hull.

Legal authority: *National Capital Act*, R.S. 1985, chapter N-4

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7. Tel.: (613) 239- 5477;
Fax: (613) 239-5404.

National Energy Board

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General information

Roles and responsibilities

The National Energy Board ("the Board") is an independent federal regulatory tribunal established in 1959. It reports to Parliament through the Minister of Natural Resources Canada.

The Board is a court of record and, with regard to attendance at hearings, the swearing in and examination of witnesses, the production and inspection of documents and the enforcement of its orders, it has all the powers vested in a superior court of record. The Board's regulatory decisions and the reasons for them are issued as public documents.

The Board's regulatory powers under the *National Energy Board Act* include the granting of authorizations for:

- the construction and operation of interprovincial and international oil and gas pipelines, international power lines and designated interprovincial power lines;
- the setting of tolls and tariffs for oil and gas pipelines under its jurisdiction;
- the export of oil, natural gas and electricity; and
- the import of natural gas.

The Board also has regulatory powers, under the *Canada Oil and Gas Operations Act*, for oil and gas exploration and for production activities on Canada's frontier lands not otherwise regulated by joint federal/provincial boards. As a result of the *Canada Transportation Act*, which came into effect on July 1, 1996, the Board's jurisdiction has been broadened to

include pipelines that transport commodities other than oil or natural gas.

One of the Board's responsibilities is to monitor the current and future supplies of Canada's major energy commodities, and the domestic and international demands for them. The Board also has specific responsibilities under the *Northern Pipeline Act* and the *Energy Administration Act*. In addition, Board inspectors have been appointed safety officers by the Minister of Human Resources Development, to administer Part II of the *Canada Labour Code*.

The Board has an important advisory function and may, on its own initiative, hold inquiries and conduct studies on specific energy matters and prepare reports for the information of Parliament, the federal government and the general public. The Act requires that the Board keep under review matters relating to all aspects of energy supply, production, development and trade which fall within the jurisdiction of the federal government. The Board also carries out studies and prepares reports at the request of the Minister of Natural Resources.

The Board receives approximately 750 applications annually. These range from straightforward and routine requests for Board orders to major applications for export licences, pipeline toll orders and certificates for the construction of major new facilities and large oil and gas pipeline facility expansion projects. Those that do not involve an oral hearing are dealt with by internal processes of examination or written public proceedings. The Board continues to take steps to simplify all these processes, while at the same time seeking to maintain their essential fairness, consistency, and openness to general scrutiny.

Legislative mandate

- *Canada Oil and Gas Operations Act*
- *Canada Petroleum Resources Act*
- *Energy Administration Act*
- *National Energy Board Act*
- *Northern Pipeline Act*

Initiatives for 1997

NEB/88-917-I

Cost Recovery Regulations

These regulations, which permit the Board to recover the costs of regulation directly from regulated companies, will be amended to slightly adjust and clarify the method of recovering costs.

Since 1991, the Board has recovered about 85 per cent of its total operating costs from regulated companies, not from general government revenues (costs incurred in the regulation of frontier lands and commodity pipelines are not being so recovered).

Legal authority: *National Energy Board Act*

Contact: Erin Bourgeault, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2708; Fax: (403) 292-5503; E-mail: ebourgeault@neb.gc.ca

NEB/88-919-L

Onshore Pipeline Regulations

These regulations specify the requirements for the protection of property and the environment and for the safety of the public and the company's employees in the design, construction, operation and abandonment of an onshore pipeline. The Board is amending the Regulations in light of issues arising from pipeline incidents, revised Canadian Standards Association standards, and experience working with the Regulations (which came into effect in June 1989). The Board is also making a conscious effort to make the Regulations more flexible and goal-oriented. In formulating the amendment package, the Board took into consideration comments made by interested parties on a May 1994 draft.

As a next step, the Board will be forwarding the draft amendments to the Department of Justice for legal review.

Legal authority: *National Energy Board Act*

Contact: John Hendershot, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2778; Fax: (403) 292-5503; E-mail: jhendershot@neb.gc.ca

NEB/90-699-L

Electricity Regulations

Pursuant to the passage of Bill C-23 (an *Act to Amend the National Energy Board Act*), which came into effect

on June 1, 1990, draft regulations to implement the new electricity policy were issued in a 1990 memorandum of guidance.

Among other things, the draft regulations set out: information requirements for applications for electricity exports and international power line facilities; terms and conditions of export and facilities permits; and the matters which the Board may consider in deciding whether to recommend a public hearing process. The draft regulations replace, in part, existing *National Energy Board Regulations*, Part VI and the Rules of Practice and Procedure (promulgated May 1995), streamline the Board's operations, and reduce the level of regulation in keeping with the government's more market-based approach to energy policy.

Based on its experience in processing applications since the draft regulations were issued, the Board has revised the draft regulations. The Board sought comments on the revised draft regulations from interested parties on October 25, 1993. All comments were received by early 1994.

The draft regulations have been submitted to the Department of Justice for examination, and subsequent prepublication in Part I of the *Canada Gazette*.

Legal authority: *National Energy Board Act*

Contact: P. Noonan, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3552; Fax: (403) 292-5503; E-mail: pnoonan@neb.gc.ca

INAC/92-27-I

Canada Oil and Gas Diving Regulations

These regulations, promulgated in 1988, set out the regulatory requirements that operators must follow if they wish to undertake diving operations in areas subject to the *Canada Oil and Gas Operations Act*. The Regulations will be amended to relieve the federal minister of technical and administrative decisions concerning diving activities. These decisions could be made by the Chief Safety Officer or Chief Conservation Officer. No significant impact is expected as a result of this initiative.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Jan Merta, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2791; Fax: (403) 292-5503; E-mail: jmerta@neb.gc.ca

COGLA/91-100-I

Canada Oil and Gas Operations Regulations

These regulations were first promulgated in February 1983. The Regulations spell out requirements for obtaining an operating licence, for obtaining authorization for exploratory or development work, and for reporting an oil spill. The *Canada Oil and Gas Operations Act*, under which these regulations fall, requires that an operator obtain an operating licence and an authorization before starting any work or activity.

The amendments will increase the fee associated with obtaining a licence, presently set at \$25. The amount of this increased fee will depend on the type of operation carried out. The fee would cover the costs required to issue such licences and authorizations. Since the amendments propose an increase in the fee associated with obtaining an operating licence, there will be a minimal financial cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503; E-mail: tbaker@neb.gc.ca

IAND/94-39-I

Canada Oil and Gas Installation Manager Regulations

The *Canada Oil and Gas Operations Act* requires that a manager in command of an installation meet prescribed qualifications. The proposed regulations will spell out these qualification requirements. The Regulations will improve safety of operations on frontier lands by allowing only qualified and certified personnel to be installation managers.

A draft document has been prepared and is currently under review by the government technical committee.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503; E-mail: tbaker@neb.gc.ca

NEB/97-1-L

Offshore Pipeline Regulations

The new draft regulations specify the requirements for the protection of the environment, and for the safety of the public and company employees in the design, construction, operation and abandonment of an offshore pipeline.

These regulations are currently undergoing internal review. The new draft regulations will be released for public comments in early September 1996.

Legal authority: *National Energy Board Act*

Contact: I. Konuk, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2769; Fax: (403) 292-5503; E-mail: ikonuk@neb.gc.ca

Office of the Chief Electoral Officer

General information

Roles and responsibilities

The Chief Electoral Officer is responsible for exercising general direction and supervision over the preparation and administration of federal electoral events as well as the reporting requirements relating to expenses incurred pursuant to the provisions of the *Canada Elections Act* and the *Referendum Act*. In addition to administering federal electoral events, the Chief Electoral Officer has entered into an agreement with the Commissioner of the Northwest Territories to conduct elections of members of the Council of the Northwest Territories.

The Chief Electoral Officer is appointed by resolution of the House of Commons, to which he or she is directly accountable. The Chief Electoral Officer also communicates with the Governor in Council through the member of the Queen's Privy Council for Canada designated by the Governor in Council for that purpose (currently the Leader of the Government in the House of Commons).

The Commissioner of Canada Elections enforces the provisions of the *Canada Elections Act* and of the *Referendum Act* under the general supervision of the Chief Electoral Officer, who appoints the Commissioner.

The Chief Electoral Officer provides the necessary data and assistance to enable the electoral boundaries commissions to discharge their responsibilities under the *Electoral Boundaries Readjustment Act* with respect to each province's representation in the House of Commons. The Chief Electoral Officer also taxes all accounts relating to the expenditures of the electoral boundaries commissions.

Legislative mandate

The statutes under the jurisdiction of the Chief Electoral Officer are the following:

- *Canada Elections Act*
- *Dominion Controverted Elections Act*
- *Electoral Boundaries Readjustment Act*
- *Referendum Act*

Initiative for 1997

OCEO/R-1-M

Tariffs of Fees

The *Canada Elections Act* and the *Referendum Act* stipulate that, upon the recommendation of the Chief Electoral Officer, the Governor in Council may make tariffs fixing or providing for the determination of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at, or with respect to, electoral events under the *Canada Elections Act* and the *Referendum Act*.

The Office of the Chief Electoral Officer reviews the tariffs of fees on an on-going basis and proposes pertinent adjustments to accommodate requirements for elections and referendums. As well, amendments to electoral legislation, to the duties of the positions or to practices or methodologies may necessitate adjustments to the applicable tariff. Also, the tariffs are adjusted to ensure that the amendments to one tariff are reflected in the other, where possible.

The impact of these statutory instruments varies from year to year depending on what electoral activities are undertaken during the year. During an electoral event, the payments made under the tariffs could well exceed \$100,000,000.

Legal authority: *Canada Elections Act*; *Referendum Act*, section 198

Contact: Janice Vézina, Director, Election Financing Directorate, Elections Canada, 1595 Telesat Court, Ottawa, Ontario, K1A 0M6. Tel.: (613) 990-3747; Fax: (613) 990-2530.

Office of the Superintendent of Financial Institutions

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General information

Roles and responsibilities

The Office of the Superintendent of Financial Institutions (OSFI) was established on July 2, 1987 by an act of Parliament that amalgamated the Department of Insurance and the Office of the Inspector General of Banks. Pursuant to the *Office of the Superintendent of Financial Institutions Act*, the deputy head of OSFI is the Superintendent of Financial Institutions. The Minister of Finance is the responsible minister.

OSFI is the primary regulator of federal financial institutions and pension plans. OSFI's mission is to safeguard policyholders, depositors and pension plan members from undue loss. OSFI advances and administers a regulatory framework that contributes to public confidence in a competitive financial system. OSFI also provides actuarial services and advice to the Government of Canada.

OSFI is committed to providing a professional, high quality and cost-effective service.

Legislative mandate

OSFI is responsible for administering the following statutes:

- Bank Act
- Civil Service Insurance Act
- Cooperative Credit Associations Act
- Excise Tax Act, Part I
- Insurance Companies Act
- Office of the Superintendent of Financial Institutions Act
- Pension Benefits Standards Act, 1985
- Trust and Loan Companies Act

Administrative arrangements

OSFI shares responsibility for administering parts of the *Canada Deposit Insurance Corporation Act*.

By agreement with Indian and Northern Affairs Canada (INAC), OSFI advises INAC with respect to the technical aspects of the Band Employee Benefits (BEB) program to ensure compliance with funding criteria established by INAC and Treasury Board. OSFI also co-ordinates reviews of pension plans applying for BEB funding and amendments to funded pension plans to ensure their compliance with the *Pension Benefits Standards Act, 1985* and the registration provisions of the *Income Tax Act*.

Initiatives for 1997

Financial Sector Reform

OSFI/92-1-I

Financial Sector Reform - 1992 (Technical)

The *Bank Act*, the *Cooperative Credit Associations Act*, the *Insurance Companies Act*, and the *Trust and Loan Companies Act* were proclaimed in force on June 1, 1992.

Many regulations have been promulgated under the 1992 legislative reform. A few remain to be promulgated.

Extensive industry consultation and discussion preceded the promulgation of the regulations currently in force, and will precede the promulgation of future regulatory initiatives and amendments. A summary of the regulations to be promulgated or amended follows.

Form of proxy: The Regulations will prescribe the form and content of the proxy solicitation to be sent to shareholders and policyholders of financial institutions and filed with the Superintendent. The *Form of Proxy Regulations* promulgated under the *Bank Act* of 1980 continue in force for banks under the new *Bank Act*, having been carried forward by virtue of the provisions contained in the *Interpretation Act*. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those under the *Bank Act* of 1980. Draft regulations are now being developed to reflect

the form and content of proxy solicitation under Part IV of the *Canada Business Corporations Act*.

Insider reports: The Regulations will prescribe the form of the insider report that must be filed with the Superintendent in connection with the ownership or acquisition of shares of a financial institution.

The *Insider Reports Regulations* promulgated under the *Bank Act* of 1980 continue in force for banks under the new *Bank Act*, having been carried forward by virtue of the provisions contained in the *Interpretation Act*. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those under the *Bank Act* of 1980. Draft regulations are now being developed to reflect the form of insider reports under Part IV of the *Canada Business Corporations Act*.

Insurance activities: The Regulations will delineate the relationships that cooperative credit associations maintain with entities or individuals that engage in or carry on the business of insurance, and with insurance companies, insurance agents and insurance brokers. The Regulations will also define the insurance-related activities in which cooperative credit associations may engage and the manner in which they may promote insurance, and will address the use and distribution of protected types of information.

It is expected that the Regulations will be similar to the *Insurance Business Regulations* promulgated on May 21, 1992 with respect to banks and trust and loan companies.

Following prepublication, consultations with interested persons have been completed and the draft Regulations were revised to reflect consultations.

Credit information: The Regulations will address the use and distribution by an insurance company of protected types of information.

Following prepublication, consultations with interested persons have been completed and the draft Regulations revised to reflect the comments.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act and Trust and Loan Companies Act*

Contact: Eleanor Ryan, Legislative Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa,

Ontario, K1A 0H2. Tel.: (613) 990-0661;
Fax: (613) 952-8219.

OSFI/96-1-L

Assets, Foreign Companies (Technical)

Foreign life insurance companies are required to maintain assets in Canada. The Regulations determine the amount and value of assets that need to be maintained in Canada. The amount and value are based on actuarial valuation standards and accounting standards that are constantly evolving. Amendments to the *Assets (Foreign Companies) Regulations* are required to better adapt them to the changing actuarial and accounting standards.

It is expected that other than the costs incurred in developing the amendment, the amendment will have no significant effect on costs of OSFI or the companies.

Legal authority: *Insurance Companies Act*, sections 608, 609 and 610

Contact: Johanne Prévost, Manager, Supervisory Policy (Insurance), Policy and Research Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7245; Fax: (613) 952-8219.

OSFI/97-1-L

Minority Investment (Technical)

Generally, the financial institutions legislation requires that a financial institution acquiring a substantial investment in certain entities legally control the entities. However, the financial institutions legislation does permit a financial institution to acquire less than a controlling interest, a minority investment, under certain conditions. The *Minority Investment Regulations* sets out the conditions under which a financial institution may hold a minority interest.

The proposed amendments would remove one of the conditions set out in the *Minority Investment Regulations*. The condition is that the entity to be invested in by the financial institution be either controlled in fact by the financial institution or another regulated financial institution or regulated holding body corporate.

The amendment is a result of industry consultation on the June 1996 Consultation Paper on the Review of Financial Sector Legislation. It is proposed that the amendments of this Regulation will proceed on a separate track from the other proposals in the Consultation Paper.

The amendments will provide federal financial institutions with more flexibility for joint venture arrangements enhancing their ability to compete. Other than developing the Regulations, there will be no financial costs to OSFI.

Legal authority: *Bank Act*, section 474; *Cooperative Credit Associations Act*, section 396; *Insurance Companies Act*, section 501; *Trust and Loan Companies Act*, section 459

Contact: Normand Bergevin, Senior Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-5986; Fax: (613) 952-8219.

Financial Sector Reform - 1996

Enhancing the Safety and Soundness

In 1996, an *Act to Amend, Enact and Repeal Certain Laws Relating to Financial Institutions*, S.C. 1996, chapter 6 was proclaimed into force (S.C. 1996, chapter 6). The amendments were made to ensure that the supervisory and regulatory systems for federally regulated financial institutions remain up-to-date and responsive to the evolving environment in which these institutions operate. The amendments provide for an early intervention policy, require enhanced disclosure, and provide an expanded role for OSFI in governance of troubled institutions.

These initiatives arise out of the government's White Paper, *Enhancing the Safety and Soundness of the Canadian Financial System*, released in February 1995 (the White Paper). In order to fully implement the initiatives proposed in the White Paper and in S.C. 1996, chapter 6, OSFI will propose some key regulations and amendments. As part of the process of consultation on the White paper, these initiatives have been the subject of extensive industry discussion. Further consultations with industry will precede their promulgation. A summary of the key regulations proposed under the legislation follows.

OSFI/97-2-1

Affiliated Persons (Technical)

The *Affiliated Persons Regulations* under the financial institutions legislation establish the circumstances under which a person is considered affiliated with a financial institution for the purpose of determining whether they are an affiliated director. It is proposed that these regulations be amended to provide that affiliated persons include the directors of an entity

that has control of a federal financial institution and is not a financial institution.

Legal authority: *Bank Act*, section 162; *Insurance Companies Act*, section 170; *Trust and Loan Companies Act*, section 166

Contact: Eleanor Ryan, Legislative Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario K1A 0H2. Tel.: (613) 990-0661; Fax: (613) 952-8219.

OSFI/97-3-L

Disclosure

The White Paper, *Enhancing the Safety and Soundness of the Canadian Financial System*, proposed that more information on the financial condition of federally-regulated financial institutions be disclosed on a more frequent basis. This proposal was the subject of extensive consultations with industry representatives. To implement the proposal, OSFI is releasing a commercial database service containing certain quarterly information that it collects on regulatory returns.

As well, guidelines for deposit-taking institutions and life insurance enterprises will supplement the release of returns-based data by setting out certain information that institutions themselves will be required to provide in or with their annual statements or annual reports in addition to the disclosures required by the CICA Handbook and other OSFI guidelines.

In addition, regulations are proposed under the *Bank Act*, *Cooperative Credit Associations Act*, *Insurance Companies Act* and *Trust and Loan Companies Act* to require federally regulated institutions to make their annual financial statements available to the public. There will be an exception for fraternal benefit societies, branches of foreign life companies and fully-guaranteed deposit-taking subsidiaries.

Other than the cost of developing the regulations, the regulations will not result in significant cost to OSFI or the institutions.

Legal authority: *Bank Act*, subsection 532.2(1); *Cooperative Credit Associations Act*, section 436.1; *Insurance Companies Act*, subsection 673.1(1); *Trust and Loan Companies Act*, subsection 504.2(1)

Contact: Tony Maxwell, Director, Policy and Research Division, Office of the Superintendent of Financial

Institution, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-2512; Fax: (613) 952-8219.

OSFI/97-4-I

Executive Compensation Regulations

The requirement that federal financial institutions disclose information regarding the compensation of their executives is a component of S.C.1996, c. 6. Amendments to the *Bank Act*, the *Cooperative Credit Associations Act*, the *Insurance Companies Act*, the *Trust and Loan Companies Act* make reference to information which an institution shall make available regarding the compensation of its executives, as that expression is prescribed by Regulations.

Legal authority: *Bank Act*, section 532; *Cooperative Credit Associations Act*, section 436; *Insurance Companies Act*, section 673; *Trust and Loan Companies Act*, section 504

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

OSFI/97-5-I

Assessment of Financial Institutions Regulations, 1996 (Technical)

Expenses incurred by OSFI in supervising financial institutions are assessed against the institutions supervised in accordance with a formula provided in the *Assessment of Financial Institutions Regulations, 1996*. At present, expenses of administering the *Insurance Companies Act* are assessed against institutions registered or licensed under the *Insurance Companies Act*.

To address the growing differences in the businesses, structure and regulation of life insurance and property and casualty insurance companies an amendment is proposed to the *Assessment of Financial Institutions Regulations, 1996*. The amendment will result in the expenses of supervising life insurance companies (including fraternal) being ascertained and assessed separately to life insurance companies (including fraternal). The cost of supervising property and casualty insurance companies will be ascertained and assessed to property and casualty companies.

This amendment is consistent with OSFI's policy to charge to the institutions in a particular sector for work done by OSFI in administering the legislation

relating to that sector. This amendment will affect the distribution of expenses for 1996-97 year and following years.

Extensive consultations have taken place between OSFI, individual companies, and institutional associations on the split in assessing life insurance and property and casualty insurance companies. The industry has advocated these changes and supports the amendment.

Other than the costs incurred in processing them, the Regulations will have no significant effect on the costs incurred by OSFI.

A second amendment of the *Assessment of Financial Institutions Regulations*, 1996 is proposed as a result of the repeal of the *Investment Companies Act* on July 31, 1996. At present, expenses of administering the *Investment Companies Act* are assessed against institutions registered under the *Investment Companies Act*.

Subsection 110(3) of S.C. 1996, chapter 6, provides as a transitional measure that the Superintendent is required to ascertain and assess against investment companies the expenses incurred by the Superintendent in administering the *Investment Companies Act* up until July 31, 1996.

The assessment is to be made in accordance with the rules set out in the *Office of the Superintendent of Financial Institutions Act* and *Assessment of Financial Institutions Regulations*. The *Assessment of Financial Institutions Regulations*, 1996 will be amended to permit the expenses incurred in administering the *Investment Companies Act* up until July 31, 1996 to be assessed against investment companies.

Legal authority: *An Act to Amend, Enact, and Repeal Certain Laws Relating to Financial Institutions*, subsection 110(3); *Office of the Superintendent of Financial Institutions Act*, subsection 23(3)

Contact: Arthur Tam, Manager, Finance Division, Office of the Superintendent of Financial Institution, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7855; Fax: (613) 952-8219.

OSFI/97-6-L

Class of Insurance - Residual Value Auto Insurance

It is contemplated that a new class of insurance, residual value insurance, be added to the Schedule to the *Insurance Companies Act*. Residual value insurance provides security to a lender that is financing motor

vehicle purchases or a lessor that is leasing motor vehicles. A company would provide insurance against economic loss arising as a result of a difference between the residual value of a motor vehicle as specified in a lease or loan agreement and the fair market value of the motor vehicle at the expiration of the lease or loan.

Negotiations with the provinces and consultation with industry representatives concerning the definition of the class are ongoing.

Other than the costs incurred in developing the amendment and revising regulatory reporting forms, the proposed class will have no significant effect on costs incurred by OSFI.

Legal authority: *Insurance Companies Act*, subsection 12(1)

Contact: James Bruce, Senior Officer, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 991-2480; Fax: (613) 952-8219.

Financial Sector Reform - 1997

After extensive consultation and analysis on the 1992 financial sector reform, the government has determined that the framework should remain largely intact. However, the government proposed in its June 1996 Consultation Paper on the Review of Financial Sector Legislation that a number of important adjustments to the framework be made. These adjustments would serve to strengthen consumer protection, ease the regulatory burden on financial institutions, and keep the legislation current with evolving trends.

Consultations and discussions on the initiatives advanced in the Consultation Paper are ongoing. Following the consultations, it is anticipated that approval of a legislative package will be sought to implement the initiatives in the Consultation Paper. If the legislative package is approved, it is likely that OSFI will propose some key regulatory changes to effect the initiatives. It is expected that legislative and regulatory initiatives would be subject to considerable industry consultation.

The following Regulations are proposed for implementation in 1997.

OSFI/97-7-I

Privacy Safeguards

The protection of personal information is of utmost

importance to the government. In this regard, the government proposes introducing regulations governing the collection, use, retention, and disclosure of customer information by federal financial institutions. These regulations will also require financial institutions to provide customers written information on their privacy code and details on how to lodge complaints. In addition, financial institutions will be required to designate a senior official to implement procedures for dealing with consumer complaints and to report annually on the complaints received and the actions taken to respond to them.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act*

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

OSFI/97-8-I

Cost of Borrowing

An agreement has been reached with the provinces to harmonize legislation and regulations dealing with the disclosure of the cost of credit for consumers.

As well, the government proposed in the Consultation Paper to consider amending the legislation and regulations to provide for more explicit disclosure requirements for mortgage prepayment.

To facilitate the agreement, amendments to the legislation will be proposed in 1997 as part of the 1997 reform. Regulatory amendments will be subsequently proposed.

Legal authority: *Bank Act*, section 449-454, 458; *Insurance Companies Act*, section 479-485, 488, 598-603, 606; *Trust and Loan Companies Act*, sections 479-485, 488, 598-603, 606; *Trust and Loan Companies Act*; sections 435-440, 443

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

OSFI/R-6-I

Financial Institutions Legislation - Orders

Various sections of the *Bank Act*, the *Cooperative Credit Associations Act*, the *Insurance Companies Act*, and the

Trust and Loan Companies Act provide the Superintendent, the Minister of Finance or the Governor in Council with authority to grant permissions, approvals, consents, exemptions and similar dispensatory relief to financial institutions, and the authority to require that institutions take or refrain from taking certain actions. Some of these relief provisions and directions could be exercised during 1997 but it is impossible to determine how frequently they will be exercised.

The use of relief provisions and directions is part of the ongoing process of routine supervisory control. The use of these regulatory tools is intended to enhance public protection with the least possible disruption to the institutions affected. The use of relief provisions will, in most cases, lessen the regulatory burden and should not impose any additional costs on the regulated institutions. The use of directions will impose additional restrictions on institutions and, depending upon the nature of the direction, may result in increased costs to the regulated institutions. However, such directions will only be used when necessary, in circumstances in which the benefit to the financial system outweighs the increased costs imposed on the regulated institutions.

Other than the costs incurred in processing them, relief provisions and directions will have no significant effect on costs incurred by OSFI.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act*

Contact: Eleanor Ryan, Legislative Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario K1A 0H2. Tel.: (613) 990-0661; Fax: (613) 952-8219.

Pension Benefits Reform

OSFI/95-2-I

Pension Benefits Standards Regulations, 1985 - Information Return, Schedule 2

The *Pension Benefits Standards Act, 1985* sets standards for the registration of pension plans subject to federal supervision. The Regulations made pursuant to the Act contain additional requirements necessary to carry out its intent.

The legislation requires that plans provide OSFI with the information specified in Form 2, of Schedule II. Form 2 will be repealed and replaced by a listing of

information categories. OSFI will develop an administrative form that will support the listing of information categories. This approach will allow OSFI to adapt its administrative form to changes in operational or administrative requirements or to harmonize with other regulatory authorities.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Pirjo Davitt, Senior Pension Analyst, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7867; Fax: (613) 952-8219.

OSFI/97-9-L

Pension Benefits Standards Regulations, 1985 - Standard Financial Reporting

The Regulations will be amended to provide that the Superintendent may require the administrator of a pension plan to file detailed information concerning the financial activity of the plan. The amendment will aid in risk-based plan supervision by enhancing the financial information reporting to OSFI and the transparency of plan administration. Further, the standard financial disclosure will result in improvements to OSFI's operational efficiency.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Pirjo Davitt, Senior Pension Analyst, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7867; Fax: (613) 952-8219.

OSFI/97-10-L

Pension Benefits Standards Regulations, 1985 - Life Income Funds

In 1995, the *Pension Benefits Standards Act, 1985*, and *Pension Benefit Standards Regulations, 1985* were amended to permit members leaving a pension plan (or surviving spouses) to transfer pension benefit credits to a Life Income Fund (LIF). A LIF is a registered retirement income fund (a RRIF) as defined in the *Income Tax Act* which is subject to additional requirements prescribed under the *Pension Benefits Standards Act*. Pension benefit credits may now be transferred into a LIF from a pension plan or from other pension vehicles. The *Income Tax Act* and *Regulations* prescribe the minimum that must be withdrawn in a calendar year. The 1995 amendment to the regulations prescribes the maximum withdrawals

permitted in any calendar year, so that holders do not exhaust their funds. As a result, in the holder's 80th year, the funds remaining in the LIF must be used to purchase an immediate life annuity.

However, the description of the interest rate assumption to be used in determining the maximum annual payment may lead to lower maximum annual withdrawals from a LIF than was intended. A further amendment of the regulation is proposed which will revise the interest rate assumption. This amendment will allow for a higher level of maximum annual withdrawals.

OSFI is consulting with the industry on the draft amendment. It is expected that the amendment will be supported by industry. As well, the amendment will provide for a level of withdrawals consistent with provincial LIF standards.

Legal authority: *Pension Benefits Standards Act, 1985*, sections 26 and 28 and paragraph 39(o)

Contact: Glenn McAllister, Assistant Actuary, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8055; Fax: (613) 952-8219.

OSFI/97-11-I

Pension Benefits Standards Regulations, 1985 - 1997 Reform (Technical)

In July 1996, the government proposed in its Consultation Paper, *Enhancing the Supervision of Pension Plans under the Pension Benefits Standards Act, 1985 Pension Legislation*, which will address supervisory and prudential issues which have not been revised since the Act was proclaimed almost a decade ago. As such, the proposals include legislative enhancements to ensure the supervisory regime remains up to date and effective and is more reflective of the today's environment.

The paper proposes to enhance the Superintendent's authority to intervene in the administration of a pension plan, short of plan termination, enhanced corporate governance requirements to allow members to better assess the adequacy of the administration of their plan and to become more involved in their plan's administration; and an enhancement of Ministerial authority which would, if exercised, allow OSFI to participate in Canadian Association of Pension Supervisory Authorities (CAPSA) multilateral agreement. This agreement, if implemented, would allow a lead regulator to supervise a plan on behalf of

other jurisdictions but using the legislative requirements of the lead regulator.

Other significant areas of legislative amendment includes the authority to introduce the legislative framework to allow development of a "simplified pension plan" for pension plans below certain size thresholds (for example, 250 members). Investment policies will be enhanced by bringing the prudent portfolio concept for investments within the PBSA. Proposed legislation would include the right to improve plan benefits being dependent on plan solvency.

Consultations and discussions on the initiatives advanced in the Consultation Paper are ongoing. Following the consultations, it is anticipated that approval of a legislative package will be sought to implement the initiatives in the Consultation Paper. If the legislative package is approved, it is likely that OSFI will propose some key regulations and amendments to effect the initiatives. It is expected that legislative and regulatory initiatives would be subject to considerable industry consultation.

The following Regulations are proposed for implementation in 1997.

Distribution of the assets of a pension plan on wind up: Regulations will outline the appropriate distribution of assets of a pension plan on wind-up. This regulation-making authority currently exists.

Disclosure to plan members: While proposed legislative amendment will require additional disclosure to plan members, Regulations will outline the specific financial information required to be distributed to members. Proposed disclosure includes a plan's solvency ratio (as well as a definition of the ratio and, when a solvency ratio is less than 1.0, disclosure of the measures in place to bring the pension plan into a fully-funded status would be required), and more global asset and liability disclosure with an emphasis on investments held by the plan.

Notification of Superintendent of non-remittance of contributions: While Regulations currently require an administrator to advise OSFI of non-remittance of contributions, proposed amendments will require the holder of pension fund assets to so advise OSFI as well.

Unlocking of Locked-in RRSPs and LIFs of

Non-residents: A pension plan may unlock benefits of a member or former member who has ceased to be resident of Canada for at least two calendar years. The

Regulations will be amended to permit locked-in Registered Retired Savings Plans and Life Income Funds also to contain a provision that would allow former members who have become permanent non-residents of Canada to unlock their funds. The option to permit unlocking of locked-in benefits will also be extended to spouses who have become permanent non-residents of Canada. The initiative is in response to requests to permit former members and surviving spouses, who leave Canada permanently to be allowed to transfer their Canadian pension entitlements. It is expected to be a welcome change that will alleviate the administration of expatriate benefits.

"Cash out" rule: The *Pension Benefits Standards Act* provides that a member on ceasing membership in a plan (or a spouse of a deceased member) may withdraw the pension benefit credit in a one time lump sum payment (referred to as a "cash out") if the annual pension that would be provided by this credit is less than 2 per cent of the year's maximum pensionable earnings as defined by the Canada Pension Plan. Strict application of this provision would currently require the annual pension to be less than \$1,000 per year. It is difficult to purchase an annuity which pays less than \$1,000 per year. As such, the *Pension Benefits Standards Act* will be revised to indicate that the "cash out" rule will be prescribed by regulation. The regulations will be initially set at 4 per cent.

Member representation on board of trustees: Legislation is being amended to require that at least half of the board of trustees of a multi-employer plan be composed of representatives of the members chosen by the members. The method for selecting member representatives will be prescribed by regulation and will reflect the current Regulations relating to pension committees. Regulations will include procedures for nomination, posting of voting times and locations, etc.

Member access to plan administrator: Legislation is being amended to include a mechanism to require the administrator to organize a meeting, with plan auditors and actuaries in attendance, on behalf of the membership, if a minimum percentage or number of members wish to meet. The logistics of such meetings (i.e., location, threshold requirement for calling meetings, number of meetings per year, etc.) will be prescribed by regulation.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Patty Evanoff, Director, Policy Initiatives, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 952-8219.

OSFI/R-1

Pension Benefits Standards - Directions

Various sections of the *Pension Benefits Standards Act, 1985* provide the Superintendent or the Minister of Finance with authority to issue directions to take certain actions. Some of these directions could be exercised during 1997 but it is impossible to determine how frequently they will be exercised.

The use of directions is part of the ongoing process of routine supervisory control. The use of these regulatory tools is intended to enhance public protection and choice with the least possible disruption to the pension plans affected. Such directions will only be used when necessary, in circumstances in which the benefit to the plan and its beneficiaries outweighs the increased costs imposed on the plan and its funds.

Other than the costs incurred in processing them, directions will have no significant effect on costs incurred by OSFI.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Ron Bergeron, Director, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

Future Initiatives

Standards of Sound Business and Financial Practice

Section 703 of the *Insurance Companies Act* provides authority to make regulations respecting standards of sound business and financial practices for companies, societies, provincial companies and foreign companies.

Regulations are to be developed which will set standards of sound business and financial practice in the areas of securities portfolio management, real estate appraisal management, credit risk management, foreign exchange risk management, underwriting and liability standards, product design and pricing management, capital management, interest rate risk management, liquidity management, internal control management.

The Regulations establishing the general principles of sound business and financial practices will refer to a separate set of written standards that will add precision to each element of the standard. These standards will be supported by formal self-assessment filings that will measure compliance with the standards.

The Regulations, standards and self-assessment program will be similar to that established by Canada Deposit Insurance Corporation and are a joint industry/OSFI initiative.

Initially, the standards will be implemented as sound practices and later as guidelines. Finally, regulations to be developed will support the guidelines.

Classification: Intermediate-cost initiative

Contact: Johanne Prévost, Manager, Supervisory Policy (Insurance), Policy and Research Division, Office of the Superintendent of Financial Institutions, 255 Albert, Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7245; Fax: (613) 952-8219.

Special Assessment, Recovery of expenses incurred in respect of Confederation Life Insurance Company

Expenses incurred by OSFI in supervising financial institutions are assessed against the institutions supervised in accordance with a formula provided in the *Assessment of Financial Institutions Regulations, 1996*. At present expenses of administering each Act are assessed against institutions registered or licensed under each Act.

OSFI is considering a regulation to permit OSFI to assess the liquidation expenses, that can be assessed, incurred in taking control of Confederation Life Insurance Company. The proposed amendment provides that the liquidation expenses will be borne only by life insurance companies. It is expected that consultations with interested parties on the proposed amendment will continue in 1996.

Classification: Major initiative

Contact: John Thompson, Deputy Superintendent (Operations), Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8010; Fax: (613) 952-8219.

Financial Sector Reform - 1997

After extensive consultation and analysis on the 1992 financial sector reform, the government has determined that the framework should remain largely

intact. However, the government proposed in its June 1996 Consultation Paper on the Review of Financial Sector Legislation that a number of important adjustments to the framework be made. These adjustments would serve to strengthen consumer protection, ease the regulatory burden on financial institutions, and keep the legislation current with evolving trends.

Consultations and discussions on the initiatives advanced in the Consultation Paper are ongoing. Following the consultations, it is anticipated that approval of a legislative package will be sought to implement the initiatives in the Consultation Paper. If the legislative package is approved, it is likely that OSFI will propose some key regulations and amendments to effect the initiatives. It is expected that legislative and regulatory initiatives would be subject to considerable industry consultation.

The following Regulations are scheduled for implementation in the future.

Specialized Financing (Technical)

To reduce their operational costs, the government proposes to permit financial institutions to carry on both information processing and specialized financing activities in-house, rather than requiring that they be carried on through subsidiary operations.

The *Specialized Financing Corporations Regulations* will be amended to extend to in-house operations similar limitations and conditions that apply to subsidiary operations. However the rule requiring investments to be sold within 10 years will be extended to 13 years.

Classification: Low-cost initiative

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Affiliated Persons (Technical)

It is also proposed that the circumstances under which a person is considered affiliated with a financial institution be expanded to include significant participants in share option schemes or pension plans, former chief executive officers for a period of time, as well as directors of significant borrowers.

As well, an amendment will be proposed to include in the list of affiliated persons, directors of a financial institution that controls a federal financial institution.

Classification: Low-cost initiative

Contact: Eleanor Ryan, Legislative Officer, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-0661; Fax: (613) 952-8219.

Form of Proxy (Technical)

In 1992, the rights of policyholders entitled to vote were substantially modernized. Overall, the system put in place in 1992 is working well and no major changes are proposed.

However, the government believes that it would be desirable to facilitate the disclosure of information and the participation of policyholders who are interested in the affairs of their companies. To this end, a number of proposals have been developed which will be the subject of further consultation with industry.

To implement the proposals, amendments to the proposed *Proxy Regulations* (being developed) under the *Insurance Companies Act* would be required.

Classification: Low-cost initiative

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Mutual Company Conversion (Major Revision)

The government is proposing a number of changes to enhance access to capital for mutual life insurance companies. One key proposal relates to mutual company conversion (demutualization). The following is a summary of the key regulations in this area:

The *Mutual Company Conversion Regulations* promulgated in 1993, apply only to mutual life insurance companies having assets of less than \$7.5 billion. The Regulations will be amended to apply to all mutual life insurance companies. The amended regulations will continue to embody key principles that guide the demutualization process; however, some requirements which are considered overly restrictive could be removed or amended.

As is contemplated in the current legislation, the larger mutual life insurance companies would be required to remain widely held after a conversion.

It is also contemplated that more flexibility will be added to the demutualization regime through the provision of exemptive authorities. The

Superintendent would have the authority to exempt companies from specific aspects of the Regulations on a case-by-case basis (e.g., documentation to be provided to policyholders). In addition, the Minister of Finance would have the authority to exempt companies in financial distress from any aspect of the demutualization process.

Classification: Intermediate-cost initiative

Contact: Patty Evanoff, Director, Policy Initiatives, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 952-8219.

Widely Held

The current legislation contemplates that larger mutual life insurance companies would be required to remain widely held after conversion to a company with common shares. The demutualization regulations to be amended will refer to the widely held principle contemplated by the legislation. Regulations are proposed to define widely the meaning of "widely held".

Classification: Low-cost initiative

Contact: Patty Evanoff, Director, Policy Initiatives, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 952-8219.

Transfer of Business - Exemption

Currently all transfers of business other than transfers subject to agreements of reinsurance done in the ordinary course of business require the minister's approval. The government plans to consult with interested parties to determine the criteria that will be established to exempt certain transfers from the approval required.

New regulations may be required to identify those *de minimus* transactions that could be exempted from the minister's approval.

Classification: Low-cost initiative

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Disclosure of Charges Regulations, Disclosure of Interest Regulations - Means of Disclosure

Currently the *Bank Act* and the *Trust and Loan Companies Act* require that certain information be provided in writing to customers or that customers must provide their signatures to open accounts. The increasing use of electronic services is not always compatible with these requirements for communicating with customers. The intended safeguards can be dealt with by electronic means.

Modifications to the *Disclosure of Charges Regulations* and the *Disclosure of Interest Regulations* will be necessary to mirror the changes in the acts that would permit a financial institution to disclose information to clients in electronic format and not in writing.

Classification: Low-cost initiative

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Classes of Insurance - Creditors Loss of Employment Insurance

Amendment is proposed to add to the Classes of Insurance Schedule under the *Insurance Companies Act* creditors loss of employment insurance under the life insurance class.

The amendment will permit life insurance companies to underwrite creditors' loss of employment as an adjunct to a contract of creditor life insurance.

Classification: Low-cost initiative

Contact: Karl Adamsons, Manager, Legislation, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Assessment of Financial Institutions - User Pay (Technical)

It is proposed that section 23 of the *Office of the Superintendent of Financial Institutions Act* be revised to permit the Superintendent to assess persons other than federally regulated financial institutions for an amount in compensation for work done by OSFI in administering the legislation for which it is responsible. This will involve situations where the

benefits of the work accrue specifically to those on whose behalf the work is undertaken and the work is not part of the normal supervisory or regulatory obligations that OSFI performs for those FRFIs.

The amendment is consistent with OSFI's policy to permit OSFI to be reimbursed for work undertaken on behalf of a particular federal financial institution or an identifiable group of FRFIs. To implement this proposal, an amendment to *Assessment of Financial Institutions Regulations, 1996* would be required.

Classification: Intermediate-cost initiative

Contact: Edna M. MacKenzie, Assistant Superintendent, Corporate Services, Office of the Superintendent of Financial Institution, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7491; Fax: (613) 952-8219.

Pension Benefits Standards Regulations, 1985 - 1997 Reform (Technical)

In July 1996, the government proposed in its Consultation Paper, *Enhancing the Supervision of Pension Plans under the Pension Benefits Standards Act, 1985* pension legislation will address supervisory and prudential issues which have not been revised since the Act was proclaimed almost a decade ago. As such, the proposals include legislative enhancements to ensure the supervisory regime remains up to date and effective and is more reflective of the today's environment.

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Proposed legislative includes the right to improve plan benefits being dependent on plan solvency.

Consultations and discussions on the initiatives advanced in the Consultation Paper are ongoing. Following the consultations, it is anticipated that approval of a legislative package will be sought to implement the initiatives in the Consultation Paper. If the legislative package is approved, it is likely that OSFI will propose some key regulations and amendments to effect the initiatives. It is expected that legislative and regulatory initiatives would be subject to considerable industry consultation.

The following Regulations are scheduled for implementation in the future.

Funding standards: Further to a legislative proposal to have the right to improve plan benefits being dependent on plan solvency, Regulations will be developed to provide the necessary clarification of this requirement.

Valuation standards: The legislation provides that actuarial methods or assumptions must be adequate and appropriate or the Superintendent may direct an actuarial report to be revised. The legislation will be amended to provide the Superintendent with the authority to specify exceptions from generally accepted actuarial practice on a general basis. The Regulations will be amended to delete the requirement to prepare actuarial reports in accordance with 1981 actuarial standards. Instead, the Regulations will require that actuarial reports be prepared in accordance with current actuarial standards. This will alleviate the requirement to update the regulation each time the actuarial standards are revised.

Classification: Intermediate-cost initiative

Contact: Patty Evanoff, Director, Policy Initiatives, Office of the Superintendent of Financial Institutions, 16th Floor, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9004; Fax: (613) 952-8219.

RCMP External Review Committee

General information

Roles and responsibilities

The RCMP External Review Committee (ERC) is an independent body that reviews grievances, appeals of formal discipline and appeals of discharge or demotion involving regular and civilian members of the RCMP, who are excluded from the jurisdiction of the *Public Service Staff Relations Act* or the *Canada Labour Code*.

Legislative mandate

The RCMP External Review Committee was created under Part II of the *Royal Canadian Mounted Police Act* (R.S.C., 1985, chapter R-10).

Initiative for 1997

ERC/90-497-L

RCMP External Review Committee Rules of Practice and Procedure

The objective of this initiative is to clarify the Rules in light of concerns about their precision raised during the statutory review process. Users of the Rules should be better able to ascertain their meaning and scope. It will also make a few minor changes to promote efficiency and economy and to further facilitate the review process.

Legal authority: *Royal Canadian Mounted Police Act*, section 29

Contact: Bernard Cloutier, Executive Director, RCMP External Review Committee, 60 Queen, Room 513, P.O. Box 1159, Station B, Ottawa, Ontario, K1P 5R2.
Tel.: (613) 990-1860; Fax: (613) 990-8969;
Internet: cloutierb@smtp.gc.ca

Transportation Safety Board of Canada

General information

Roles and responsibilities

The object of the Transportation Safety Board of Canada is to advance transportation Safety by conducting independent investigations and, if necessary, public inquiries into transportation occurrences to make findings as to their causes and contributing factors and by making recommendations to eliminate or reduce safety deficiencies as evidenced by those investigations.

Legislative mandate

The Transportation Safety Board of Canada administers the following act:

- *Canadian Transportation Accident Investigation and Safety Board Act*, R.S.C. (1985) chapter C-23.4

Initiative for 1997

TSB/97-1-L

Transportation Safety Board Regulations

These regulations registered under SOR/92-446 establish the procedural framework for the conduct by the Transportation Safety Board of Canada of independent investigations and public inquiries.

Legal authority: *Canadian Transportation Accident Investigation and Safety Board Act*, R.S.C. (1985) chapter c-23.4

Contact: Allen C. Harding, Acting General Counsel,
Place du Centre, 200, Promenade du Portage, 4th
Floor, Hull, Quebec, K1A 1K8. Tel.: (819) 994-8078;
Fax: (819) 994-9759.

Progress Report on initiatives listed in the 1996 Plan

The progress report gives the status of regulatory initiatives appearing in each departmental section entitled "Initiatives for 1996" of the 1996 *Federal Regulatory Plan* as of September 16, 1996.

STATUS CODES

SOR/96-(No.) =	Final approval received, registered under this number and published in Part II of the <i>Canada Gazette</i> .
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X =	Withdrawn.

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Maple Products Regulations	J,C as Agr/97-3-M
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Canadian Heritage

HER/96-1-L <i>National Parks Highway Traffic Regulations - Amendments</i>	SOR/96-169
HER/96-2-L <i>Parks Canada Fees - Deregulation</i>	N
HER/96-3-I <i>Town of Jasper Zoning Regulations - Parking Authority</i>	J
HER/R-4-L <i>National Historic Parks Order - Amendments</i>	C
HER/96-5-L <i>Canadian Cultural Property Export Control List - Amendment</i>	C
HER/96-6-L <i>National Battlefields Park By-law - Amendments</i>	SOR/96-162
EC/93-26-I <i>National Parks Building Regulations - Amendments</i>	D,C under "Future initiatives"

HER/95-6-I <i>National Parks Lease and Licence of Occupation Regulations - Amendments</i>	N
HER/95-7-L <i>Regulations Applicable to Communities in National Parks - Amendments</i>	SOR/96-170 SOR/96-171
HER/95-9-L <i>National Parks Wildlife Regulations - Amendments</i>	J
HER/94-7-L <i>National Parks Fishing Regulations - Amendments</i>	SOR/96-245
EC/91-269-L <i>Regulations Relating to the Proclamation of Gros Morne National Park</i>	D,C under "Future initiatives"

Citizenship and Immigration Canada

CIC/95-3-M <i>Immigration Regulations, 1978 - Business Immigrant Classes</i>	C
CIC/95-4-I <i>Citizenship Regulations - General</i>	C
CIC/R-1-M <i>Citizenship Regulations - Cost Recovery</i>	C
CIC/R-2-M <i>Immigration Act Fees Regulations</i>	C
CIC/R-3-L <i>Immigration Regulations, 1978 - Visitor Visa Requirements</i>	SOR/96-146 SOR/96-290 C
EIC/94-18-I <i>Immigration Regulations, 1978 - Family Class</i>	G-23/12
CIC/95-10-I <i>Immigration Regulations, 1978 - Parent/Guardian Consent to Inter-country Adoption</i>	C
EIC/92-12-L <i>Immigration Regulations, 1978 - Employment Authorization Exemption</i>	X

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CIC/94-17-L <i>Immigration Regulations, 1978 - Determining whether a Child is a Member of an Inadmissible Class</i>	X
CIC/95-15-L <i>Immigration Regulations, 1978 - Definition of Spouse</i>	X
CIC/96-1-L <i>Immigration Regulations, 1978 - Definition of Fiancé(e)</i>	X
CIC/94-20-L <i>Immigration Regulations, 1978 - Pending Criminal Charges</i>	X
CIC/95-18-L <i>Immigration Regulations, 1978 - Alternate Manner of Examining Persons Seeking to Enter Canada</i>	D,C under "Future initiatives"
CIC/96-2-L <i>Immigration Regulations, 1978 - Members of a Crew</i>	X
CIC/96-3-L <i>Immigration Regulations, 1978 - Administration fees</i>	X
CIC/96-4-L <i>Immigration Regulations, 1978 - Custody of Stowaways Aboard Vessels</i>	X
CIC/96-5-L <i>Immigration Regulations, 1978 - Definition of Member of the Live-in Caregivers in Canada Class</i>	X
CIC/96-6-L <i>Immigration Regulations, 1978 - Prescription of U.S.A. as Complying with Article 33 of the United Nations Convention Relating to the Status of Refugees (Convention)</i>	X
CIC/96-7-L <i>Immigration Regulations, 1978 - Provincial Nominee Designated Class</i>	C
CIC/95-12-M <i>Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions</i>	C

Environment Canada

Environmental Protection Service

EC/96-1-M <i>Municipal Wastewater Effluent Regulations</i>	D
EC/96-2-L <i>Ocean Dumping Regulations, 1988 and Canadian Environmental Protection Act, Part VI</i>	C
EC/96-3-I <i>Management of Ozone-depleting Substances and their Alternatives (Hydrofluorocarbons) at Federal Facilities</i>	J,C
EC/96-4-M <i>Alice Arm Tailings Deposit Regulations - Revocation</i>	C
EC/96-5-L <i>Dehydrator Emissions Regulations</i>	C
EC/96-6-I <i>Ozone-Depleting Substances - Amendments to Further Control Hydrochlorofluorocarbons (HCFCs) and Chlorofluorocarbons (CFCs)</i>	C
EC/96-7-L <i>Control of Hydrofluorocarbons (HFCs)</i>	C
EC/96-8-L <i>PCB Waste Management Regulations</i>	C
EC/96-9-I <i>Gasoline Regulation - Benzene</i>	C
EC/95-3-L <i>Pulp and Paper Effluent Regulations - Amendments</i>	C
EC/94-12-I <i>Storage Tank Systems Registration Regulations</i>	G-05/10/96
EC/94-5-I <i>PCB Regulations - Amendment</i>	C
EC/94-6-L <i>Hazardous Waste Management at Federal Facilities</i>	C
EC/93-8-L <i>Experimental Spill Regulations</i>	D

EC/94-10-L <i>Fuels Information Regulations No. 1 - Amendment</i>	D	Fin/R-5-I General Preferential Tariff Orders	SOR/96-5 SOR/96-6 SOR/96-298 SOR/96-299 C
Environmental Conservation Service		Fin/R-6-M World Trade Organization Agreement and Other Trade Agreements	SOR/95-378 to SOR/95-381 SOR/96-25 to SOR/96-27 SOR/96-30 SOR/96-106 SOR/96-107 SOR/96-159 SOR/96-229 SOR/96-370 SOR/96-371 SI/96-6 C
EC/96-10-L Migratory Birds - Annual Game Bird Hunting	SOR/96-308 C under "Future initiatives"		
EC/96-11-L Migratory Birds - General	C under "Future initiatives"		
EC/96-12-L <i>Migratory Birds Regulations - A Ban on Lead Shot in National Wildlife Areas</i>	G-29/06		
EC/96-13-L <i>Wildlife Area Regulations - Establishment, Transfer or Change to Boundaries of National Wildlife Areas</i>	C under "Future initiatives"	Fin/R-7-I Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)	C
EC/95-17-L <i>Migratory Bird Sanctuary Regulations - Revocation: Migratory Bird Sanctuaries</i>	C under "Future initiatives"	Fin/R-8-I Vessel Duty Removal/Reduction	C
EC/95-18-L <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations - New</i>	SOR/96-263	Fin/R-9-I Most-favoured-nation Tariff Treatment	SOR/96-297 C
Finance Canada		Fin/R-10-L Handicraft Goods Order	C
International Trade and Finance Branch		Fin/R-11-I Preferential Tariff Treatment for Certain Commonwealth Countries	C
Fin/R-1-I Temporary Reduction, Removal or Drawback of Customs Duties	SOR/95-591 SOR/96-248 SOR/96-373 SOR/96-4 C	Fin/R-12-L General Amending Orders	SOR/96-19 SOR/96-28 C
Fin/R-2-L Sports Equipment	SOR/95-574 C	Fin/R-13-I Remission of Duties	SOR/95-524 SOR/95-590 SOR/96-29 SOR/96-147 SOR/96-158 SOR/96-201 SOR/96-310 SOR/96-374 C
Fin/R-3-L Goods for People with Disabilities	C		
Fin/R-4-M Tariff Treatment - Rules of Origin	C		

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Fin/R-14-I "Snapback" Tariffs on Fresh Fruits and Vegetables	C
Fin/R-15-L Customs Tariff - Technical Amendments	SOR/96-20 to SOR/96-24 SOR/96-372 C
Fin/R-16-I Customs Tariff - Schedule VII	C
Fin/R-17-I Remission of Anti-Dumping and Countervailing Duties	C
Fin/R-18-I Special Import Measures Act	SOR/96-255
Financial Sector Policy Branch	
Fin/93-26-I Portfolio Management and Investment Counselling Regulations	C
Fin/94-20-L Domestic Bonds of Canada Regulations	C
Fin/95-21-I Proceeds of Crime (Money Laundering) Act - Regulations	C
Fin/R-22-I Financial Contracts Regulations	X
Fin/96-23-I Affiliated Persons Regulations	C
Tax Policy Branch	
Fin/93-7-M Income Tax Regulations - Resource Allowance	J, C
Fin/93-10-I Income Tax Regulations - Unregistered Pension Plans	SOR/96-311
Fin/93-12-I Income Tax Regulations - Indexed Debt Obligations	C
Fin/92-33-M Income Tax Regulations - Life Insurance Companies and their Products	C
Fin/94-43-I Income Tax Regulations - Interest Accrual Rules	J, C
Fin/95-31-M Income Tax Regulations - 1994 Budget	C

Fin/95-32-M Income Tax Regulations - Income Tax Technical Amendments (1993)	C
Fin/96-35-L Income Tax Regulations - 1995 Budget	C
Fin/96-24-L Income Tax Regulations - Reporting Requirements - Mutual Fund Reorganizations	C
Fin/96-25-L Income Tax Regulations - Branch Tax Investment Allowance - Partnerships	C
Fin/96-26-L Income Tax Regulations - Changes in Residence - Consequential Modifications	C
Fin/96-27-L Income Tax Regulations - Income Tax Technical Amendments (1995)	C
Fin/96-28-L Income Tax Regulations - Tax Shelter Identification Numbers	C
Fin/96-29-I Income Tax Regulations - Capital Cost Allowance	C
Fin/96-30-L Income Tax Regulations - Retirement Savings	C
Fin/96-31-M Income Tax Regulations - Budget Regulations	C
Fin/96-32-M Income Tax Regulations - Other	C
Fin/94-49-I Agriculture and Fishing Property (GST) Regulations	C
Fin/95-36-I Amalgamations and Windings-Up Continuation (GST) Regulations	C
Fin/94-50-I Automobile Operating Cost Benefit (GST) Regulations	C
Fin/95-39-L Publications Supplied by a Non-resident Registrant (GST) Regulations	C

Fin/94-51-I <i>Non-taxable Imported Goods (GST) Regulations</i>	C
Fin/94-52-L <i>Joint Venture (GST) Regulations</i>	C
Fin/94-53-I <i>Value of Imported Goods (GST) Regulations</i>	C
Fin/94-54-I <i>Streamlined Accounting (GST) Regulations</i>	C
Fin/94-55-I <i>Financial Services (GST) Regulations</i>	C
Fin/94-56-L <i>Debit and Credit Note Information (GST) Regulations</i>	C
Fin/94-57-I <i>Public Service Body Rebate (GST) Regulations</i>	C
Fin/94-58-L <i>Crown Agents (GST) Regulations</i>	C
Fin/94-59-I <i>Games of Chance (Lotteries) (GST) Regulations</i>	C
Fin/94-61-L <i>Taxes, Duties and Fees (GST) Regulations</i>	C
Fin/94-62-I <i>Mail and Courier Imports (GST) Regulations</i>	C
Fin/96-33-M <i>Budget (GST) Regulations</i>	X
Fin/96-34-M <i>GST Regulations - Other</i>	X
Federal-Provincial Relations and Social Policy	
Fin/R-35-M <i>Federal-Provincial Fiscal Arrangements Regulations</i>	C
Fin/96-36-M <i>Canada Health and Social Transfer Regulations</i>	C

Fin/R-37-I <i>Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987</i>	N
Fin/94-69-L <i>Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993</i>	SOR/96-249

Fisheries and Oceans

F&O/96-1-M <i>Fisheries Act</i>	C
F&O/96-2-L <i>Oceans Act</i>	N
F&O/96-3-I <i>Fish Inspection Act - Rewrite</i>	C
F&O/95-11-L <i>Fish Health Protection Regulations - Rewrite</i>	C

Foreign Affairs and International Trade Canada

FAIT/96-1-L <i>Import Control List - Steel Import Monitoring</i>	SOR/96-408
FAIT/R-1-L <i>Export Control List</i>	C
FAIT/R-2-L <i>General Export Permits</i>	C
FAIT/R-3-L <i>Export Permit Regulations</i>	C
FAIT/R-4-L <i>Area Control List</i>	SOR/96-94 SOR/96-223
FAIT/96-3-L <i>Import Control List - Textiles And Textile Articles</i>	C
FAIT/96-2-L <i>General Import Permit - Textiles and Textile Articles</i>	SOR/96-287 SOR/96-288
FAIT/R-5-L <i>Privileges and Immunities Order</i>	C

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FAIT/96-5-M <i>Regulations to Implement the Agreement Reached Under the NAFTA on the Accession of Chile</i>	C
FAIT/96-4-M <i>Regulations to Implement the Canada/Israel Free Trade Agreement</i>	C
FAIT/95-10-I <i>Regulations to Implement the Chemical Weapons Convention Implementation Act</i>	N

Health Canada

Health Protection Branch

HCan/95-2-M Good Manufacturing Practices for Biologics and Radiopharmaceuticals	G-10/08
HC/94-27-I <i>Cosmetics Regulations - Ingredient Labelling for Cosmetics</i>	C
HCan/95-15-L Drug Identification Number (DIN) Information Requirements	C
HCan/95-17-L <i>Food and Drugs Act, Schedule B - Addition of European Pharmacopoeia (EP)</i>	SOR/95-530
HCan/96-1-M <i>Establishment Licences Fees Regulations</i>	C
HCan/96-2-L <i>Import and Export of Narcotic and Controlled Drugs Fees Regulations</i>	C
HCan/96-3-M <i>Cosmetic Program Fees Regulations</i>	C
HCan/96-4-M <i>Drug Evaluation Fees Regulations - Amendments</i>	C
HCan/96-5-I <i>Therapeutic Donor Insemination Regulations</i>	SOR/96-254
HCan/96-6-I <i>Controlled Drugs and Substances Regulations</i>	C
HCan/96-7-I Conjugated Estrogens	C
HCan/96-8-L Marketed Drugs - Changes	J,C

HCan/96-9-L Drug Evaluation Fee-Link to Performance Standards	C
HCan/96-10-L <i>Food and Drug Regulations - Addition of Schedule J and Regulation of Blood Test Kits</i>	C
HCan/96-11-L Drug Regulatory Review Initiatives	C
HCan/96-12-L <i>Food and Drug Regulations: Revocation of Division 10</i>	C
HCan/R-13-L <i>Food and Drugs Act and Regulations Schedules A, D, G and F - Additions and Corrections</i>	SOR/95-546 SOR/96-253
HCan/R-14-L <i>Food and Drug Regulations - Drug Colouring Agents - Additions, Deletions and Corrections</i>	C
HCan/R-15-L <i>Food and Drugs Act and Regulations - Schedules A, D, G, F and H - Deletions</i>	SOR/96-306
HCan/R-16-L <i>Food and Drug Regulations - Housekeeping Changes</i>	C
HCan/R-17-L Restricted and Narcotic Drugs	SOR/96-258
HWC/92-35-I <i>Medical Devices Regulations - Soft Contact Lenses - Labelling Requirements</i>	SOR/95-509
HWC/92-36-I <i>Medical Devices Regulations - Menstrual Tampons - Labelling Requirements</i>	SOR/95-520
HWC/91-394-I Laser Equipment - Standard	C
HWC/91-396-I <i>Radiation Emitting Devices Regulations - Diagnostic X-ray Equipment</i>	J,C
HWC/91-384-L <i>Medical Devices Regulations - In-Vitro Diagnostic Test Devices - Standard for Labelling</i>	C
HC/94-61-L <i>Medical Devices Regulations - Condoms</i>	C

HWC/89-521-L <i>Medical Devices Regulations - Single-Use Insulin Syringes</i>	C	HCan/R-24-L <i>Hazardous Products Act and Regulations - Housekeeping Amendments</i>	N
HWC/87-431-L <i>Computed Tomography X-ray Equipment</i>	X	HCan/R-25-L <i>Medical Devices Regulations - Housekeeping Amendments</i>	N
CCAC/91-146-I <i>Controlled Products Regulations - WHMIS Exclusions Reviews</i>	X	HCan/R-26-L <i>Radiation Emitting Devices Regulations - Housekeeping Amendments</i>	N
CCAC/91-141-I <i>Carriages and Strollers Regulations</i>	C	HCan/R-27-L <i>Tobacco Products Control Regulations - Housekeeping Amendments</i>	N
HCan/95-39-M <i>Medical Devices Program - Cost Recovery</i>	SOR/95-585	HCan/R-28-L <i>Tobacco Sales to Young Persons Regulations - Housekeeping Amendments</i>	N
HCan/95-44-I <i>Radiation Emitting Devices Regulations - Analytical X-ray Equipment</i>	N,C	HWC/91-405-I <i>Food and Drug Regulations - Bottled Water</i>	J
HCan/95-34-I <i>Medical Devices Regulations: Schedule I - Contraceptive Devices</i>	SOR/96-242	HWC/92-69-I <i>Herbs and Botanical Preparations</i>	J
HWC/88-517-I <i>Medical Devices Regulations - Investigational Testing - Sale of a Device</i>	SOR/95-578	HWC/92-59-I <i>Food and Drug Regulations - Foods for Use in Weight-Reduction Diets</i>	SOR/95-474
HCan/96-18-M <i>Medical Devices Regulations - Renewal</i>	C	HWC/93-54-I <i>Composition of and Standards for Cocoa Products</i>	G-30/03
HCan/96-19-I <i>Consumer Chemicals and Containers Regulations - Revision</i>	C	HWC/93-53-I <i>Food and Drug Regulations - Microbiological Standards for Cheese</i>	G-30/03
HCan/96-20-I <i>Hazardous Products (Glazed Ceramics) Regulations - Revision</i>	J,C	HWC/93-57-I <i>Good Manufacturing Practices Regulations for Foods</i>	C
HCan/96-21-I <i>Hazardous Products (Liquid Coating Materials) Regulations - Revision</i>	N,C	HC/94-49-I <i>Initiatives Resulting from the Departmental Regulatory Review</i>	C
HCan/96-22-L <i>Cribs and Cradles Regulations - Safety</i>	J,C	HCan/95-19-I <i>Food and Drug Regulations - Interim Marketing Authorization</i>	G-10/06/95
HCan/96-23-L <i>Medical Devices Regulations - Export Certificates</i>	SOR/95-577		

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HCan/95-21-I	G-26/08/95	Medical Services Branch	
<i>Food and Drug Regulations - Novel Foods and Novel Food Processes</i>		HCan/96-37-I	C as HCan/97-35-I
HCan/96-29-I	SOR/96-143	Regulatory Program - Cost Recovery Initiative	
Veterinary Drug Program - Cost Recovery		Pest Management Regulatory Agency	
HCan/96-30-I	C	Agr/94-36-L	C
<i>Food and Drug Regulations - Importation of Unapproved Veterinary Drugs for Use in Food-Producing Animals - Restrictions</i>		<i>Pest Control Products Regulations - Registration Criteria Clarification</i>	
HCan/96-31-I	C	Agr/94-39-L	X
Food-Producing Animals - Prohibition of Clenbuterol Use		<i>Pest Control Products Regulations - Scheduling of Products for Use in Apiculture</i>	
HCan/R-32-I	SOR/95-444	HCan/96-38-M	C
Food Allergens - Labelling Regulations to Minimize Adverse Reactions		<i>Pest Control Products Regulations - Cost Recovery</i>	
HCan/R-33-I		Human Resources Development Canada	
<i>Food and Drug Regulations - Routine Enabling Amendments</i>		HRDC/96-1-I	C
General	SOR/95-350 SOR/95-499 G-13/01/96 SOR/95-544 SOR/96-65 SOR/96-87 SOR/96-261 SOR/95-434 to SOR/95-436 SOR/95-493 SOR/95-525 SOR/95-592 SOR/96-160 SOR/96-241 SOR/96-259 SOR/96-260 SOR/96-375 to SOR/96-378 G-18/05 G-20/07	<i>Pest Control Products Regulations, Part V, Boilers and Pressure Vessels</i>	
Agricultural Chemicals		HRDC/96-2-I	C
		<i>Pest Control Products Regulations, Part XVI, First Aid</i>	
Foods Additives		HRDC/96-3-L	G-07/09
		<i>Employment Equity Regulations - Reporting</i>	
		LAB/93-1-I	C
		<i>Status of the Artist Professional Category Regulations</i>	
		LAB/91-444-I	G-30/03
		<i>Pest Control Products Regulations, Part II, Building Safety</i>	
		HRDC/94-8-I	C
		<i>Pest Control Products Regulations - Diving Safety</i>	
HCan/R-34-M	C	HRDC/94-9-I	C
<i>Emergency Regulations - Foods</i>		<i>Coal Mining Occupational Safety and Health Regulations - Cape Breton Development Corporation</i>	
HCan/R-35-I	C	HRDC/95-10-I	C
<i>Food and Drug Regulations - Veterinary Drug Residues in Foods</i>		<i>Aviation Occupational Safety and Health Regulations</i>	
HCan/R-36-I	N	HRDC/95-11-I	C
<i>Food Regulations - Housekeeping Amendments</i>		<i>On-Board Trains Occupational Safety and Health Regulations</i>	

HRDC/95-13-L <i>Coal Mining Safety Commission Regulations</i>	D,C under "Future initiatives"	HRDC/95-25-I <i>Unemployment Insurance Regulations - Electronic Transmission of Assignment of Benefits (AOB) Requests - Pilot Project</i>	SOR/96-332
LAB/93-5-L <i>Canada Labour Code - Federal Minimum Wage - Revision</i>	SOR/96-167	HRDC/95-27-I <i>Unemployment Insurance Regulations - Employment History Reporting System</i>	SOR/96-332
EIC/93-1-M <i>National Training Regulations - Rate of Training Allowances</i>	X	HRDC/95-28-M <i>Unemployment Insurance Regulations - Unemployment Insurance Economic Regions</i>	SOR/96-332
EIC/93-2-M <i>Developmental Assistance - Supplementary Training Allowances</i>	X	HRDC/96-6-M <i>Canada Pension Plan / Old Age Security Database Searches - Fees</i>	N
HRDC/95-35-I <i>Canada Student Loans Program - Changes</i>	SOR/96-368 SOR/96-369	HRDC/96-7-L <i>Canada Pension Plan Regulations and Old Age Security Regulations - Various Amendments</i>	N
HRDC/96-4-I <i>Unemployment Insurance Regulations - Premium Reduction Program</i>	X	HRDC/96-8-L <i>Bill C-54 - Various Amendments To Implement Certain Legislative Provisions</i>	N
HRDC/96-5-L <i>Unemployment Insurance Regulations - Reestablishing the Factors to be Assessed When Judging the Involvement of a UI Claimant in Self-Employment</i>	SOR/96-332	HRDC/96-9-L <i>Canada Pension Plan Regulations - Minor, Technical or Housekeeping Amendments</i>	N
HRDC/96-10-L <i>Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments</i>	SOR/96-332	HRDC/94-32-L <i>Old Age Security Regulations - Exchange of Information - Agreements with Provinces</i>	N
EIC/92-24-L <i>Unemployment Insurance Regulations - Redefinition of a Working Day</i>	C	HWC/93-61-L <i>Ministerial Delegation of Powers</i>	N
EIC/89-247-L <i>Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions</i>	X	HWC/89-553-L <i>Canada Pension Plan Regulations - International Agreements, Schedule IX - Removal</i>	N
HRDC/94-30-L <i>Unemployment Insurance Regulations - Insurability of Taxi Drivers</i>	SOR/96-332	HWC/89-553-L <i>Old Age Security Regulations - International Agreements, Schedule - Removal</i>	N
HRDC/94-31-L <i>Unemployment Insurance Regulations - Allocation of earnings for real estate salespersons</i>	SOR/96-332		

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Indian and Northern Affairs Canada

Indian and Inuit Affairs Program

INAC/87-491-L	C
Cree-Naskapi Band Expropriations	
INAC/90-399-L	J,C
Indian Estates	
INAC/96-1-L	J
Indian Bands Council Method of Election	
IAND/94-6-L	X
Indian Mining	
IAND/94-7-L	SOR/95-531
Indian Timber	
INAC/96-2-L	C
<i>Indian Oil and Gas Regulations, 1995 - First Nations Oil and Gas Management</i>	

Northern Affairs Program

INAC/93-15-L	N
Canada Mining	
IAND/94-12-M	C
Mining Land Use	
INAC/R-3-L	C under "Future initiatives"
Yukon Work Relief	
INAC/R-4-I	SOR/95-437
Yukon Mining - Staking Prohibitions	SOR/96-126 SOR/96-289
INAC/R-5-I	SOR/95-552
Federal Government Employee Land Acquisitions	SOR/96-134 SOR/96-202 SOR/96-379
INAC/90-410-I	C
Territorial Lands Fee Schedule	SOR/96-111
IAND/94-20-I	
Northern Pits and Quarries Fee Schedule	SOR/96-112
INAC/95-16-I	C
Mackenzie Valley Environmental Impact Assessment	
INAC/95-17-I	C
Mackenzie Valley Land Use	
IAND/94-23-L	C
Mackenzie Valley Surface Rights	

IAND/94-24-L	J,C
Nunavut Surface Rights	
INAC/96-6-I	J,C
<i>Nunavut Land Use Security Regulations</i>	
IAND/94-25-L	X
Yukon Surface Rights	
INAC/91-433-L	C
Northwest Territories Reindeer - Revocation	
IAND/94-33-L	C
Canada Oil and Gas Land	
INAC/92-24-L	C
Frontier Lands Division and Minimum Area	
IAND/94-38-L	C
Frontier Lands Registration	
INAC/95-26-L	C
Yukon Timber	
INAC/95-27-L	C
Yukon Forest Protection	
INAC/96-7-L	C
<i>Dominion Water Power Act Special Regulations</i>	

Industry Canada

Bankruptcy Branch

CCAC/93-26-L	C
Bankruptcy and Insolvency - Rules and Forms	
IC/96-1-L	C
Bankruptcy and Insolvency - Fees Payable to Trustees for Summary Proceedings and Consumer Proposals	
IC/96-2-L	G-27/04
Bankruptcy and Insolvency - Fees Payable to Court Officers	
IC/96-3-L	C
Bankruptcy and Insolvency - Consequential Amendments Relative to the New Legislation	
IC/R-4-L	C
Levy Adjustment	
Spectrum Engineering Branch	
IC/94-2-L	G-27/07
AM Carrier Current Transmitters	

IC/94-3-L Broadcasting Receiving Apparatus	G-27/07
IC/94-4-L Low-Power Announce Transmitters	G-27/07
COM/91-107-L Broadcasting Technical Data Services Fees Order	C
IC/R-5-L Interference-Causing Equipment Standards List - Ongoing Amendments to the List of Applicable Standards	C
IC/R-6-L Radio Standards Specifications - Revised Standards	C
COM/92-11-I Telecommunication Apparatus Assessment and Testing Fees	SOR/93-365
Radiocommunication and Broadcasting Regulatory Branch	
IC/94-37-I Licensing of Mobile Satellite Systems	G-27/07
COM/92-12-I <i>Radio Regulations - Reform</i>	G-27/07
IC/96-7-I Ticket Offenses	C
IC/96-8-I <i>External Submarine Cable Regulations</i>	N
Canadian Intellectual Property Office	
IC/94-6-I Copyright - Regulations and Fees	C
IC/94-7-I Industrial Design - Regulations and Fees	C
IC/94-9-I <i>Patent Regulations</i>	G-13/04
CCAC/91-123-I <i>Trade-marks Regulations</i>	SOR/96-195

Consumer Products Branch

CCAC/91-159-L <i>Consumer Packaging and Labelling Regulations - Minor Revisions</i>	J
IC/95-14-L <i>Consumer Packaging and Labelling Regulations - Net Quantity of Canned Fish Products</i>	X
IC/94-14-L <i>Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review - Revocation: Section 36, Standardized Container Sizes</i>	SOR/96-278
IC/96-9-L <i>Consumer Packaging and Labelling Regulations, Revision: Section 6, Specialty Product and Test Market Provisions</i>	D

Corporations Directorate

IC/94-18-L <i>Canada Business Corporations Act - Fees - Application for Exemption Regarding Insider Reports - Certificate of Compliance</i>	J,C as CCAC/93-13-L
IC/96-10-L <i>Canada Business Corporations Act - Electronic Filing</i>	C
IC/96-11-L <i>Canada Business Corporations Act - Exemption from Filing</i>	J,C
IC/96-12-L <i>Canada Business Corporations Act - Constrained Shares</i>	C
IC/96-13-L <i>Canada Business Corporations Act - Insider Trading, Proxy and Proxy Solicitation, Financial Disclosure and Take-Over Bids</i>	J,C
IC/96-14-L <i>Canada Business Corporations Act - Miscellaneous Amendments Regulations</i>	SOR/95-532

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Legal Metrology Branch

CCAC/89-206-L <i>Electricity and Gas Inspection Regulations</i>	SOR/95-532
IC/94-27-I <i>Weights and Measures Regulations - Diamonds and Gemstones</i>	D,C under "Future initiatives"
IC/95-31-L <i>Weights and Measures Regulations - Minor and Technical Amendments</i>	J,C
IC/95-32-L <i>Weights and Measures Regulations - Harmonization of Technical Standards</i>	J
IC/95-34-L <i>Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products</i>	D,C under "Future initiatives"
IC/95-35-I <i>Weights and Measures Regulations - Specifications for Non-Automatic Weighing Devices</i>	J,C
IC/95-36-I <i>Weights and Measures Regulations - Specifications for Metrological Audit Trails</i>	D,C under "Future initiatives"
IC/95-37-I <i>Weights and Measures Regulations - Specifications for Mass Flow Meters</i>	D,C under "Future initiatives"
IC/96-15-I <i>Weights and Measures Regulations - Load Cell Standards</i>	D,C under "Future initiatives"

Lobbyists Registration Branch

IC/95-39-L <i>Lobbyists Registration - Information Disclosure and Electronic Filing Provisions</i>	SOR/95-579
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Bureau of Competition Policy

IC/96-16-L <i>Cost Recovery Initiative</i>	C
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Justice Canada

Jus/R-1-L <i>Access to Information Act and Privacy Act - Extending Coverage</i>	C
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Jus/R-3-L <i>Access to Information Regulations and Privacy Regulations - Amendments to Schedules</i>	C
Jus/93-7-L <i>"Safety Zone" Around Marine Installations - Regulations</i>	C
Jus/R-5-L <i>Statutory Instruments Regulations</i>	X
Jus/94-5-I <i>Seized Property Management Act - Regulations</i>	SOR/95-76
Jus/93-6-I <i>Contraventions Act - Ticketing Scheme</i>	SOR/96-312 SOR/96-313
Jus/92-14-L <i>Information Banks</i>	C
Jus/92-15-L <i>Forms for Interception</i>	N,C
Jus/93-12-L <i>Notice of Service of Garnishment</i>	N,C
Jus/92-16-L <i>Forms for Tracing</i>	N,C
Jus/R-13-L <i>Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order</i>	C
Jus/94-15-L <i>Garnishment, Attachment and Pension Diversion Act, Part II</i>	C
Jus/94-16-L <i>Garnishment and Attachment Regulations</i>	N,C
Jus/94-17-I <i>Act Respecting Firearms and Other Weapons, Criminal Code, Part III - Regulations</i>	C
Jus/96-1-L <i>Divorce Act - Child Support Guidelines</i>	C

National Defence

ND/91-458-I <i>Comox Airport Zoning Regulations</i>	N,C
ND/91-459-I <i>Moose Jaw Airport Zoning Regulations</i>	N,C

ND/94-4-L <i>Canadian Forces Superannuation Regulations</i>	C	COGLA/89-134-L Nova Scotia Offshore Area Registration	C
ND/96-1-I <i>Trenton Airport Zoning Regulations</i>	SOR/96-401	NRCan/94-31-I Newfoundland Offshore Area Petroleum Operations - Amendments	C
ND/96-2-I <i>Shearwater Airport Zoning Regulations</i>	C	COGLA/89-120-I Nova Scotia Offshore Area Petroleum Operations	C
ND/96-3-I <i>Greenwood Airport Zoning Regulations</i>	SOR/95-558	NRCan/94-33-L Environmental Studies Research Fund Regions - Amendments	G-27/07/96 C
ND/R-1-I <i>Emergency Preparedness Act - Orders in Council pursuant to paragraphs 9(c) and 9(d)</i>	C	NRCan/94-35-I Newfoundland Offshore Area Installation Manager	J,C
ND/96-4-L <i>Canadian Forces Superannuation Regulations - Registered Retirement Savings Plans</i>	C	NRCan/94-36-I Nova Scotia Offshore Area Installation Manager	J,C
Natural Resources Canada		NRCan/94-38-I Newfoundland Oil and Gas Spill and Debris Liability - Amendments	C
Frontier Lands Management Division		NRCan/94-39-L Newfoundland Environmental Assessment	X
COGLA/89-121-I Petroleum Occupational Safety and Health - Newfoundland	J,C	NRCan/94-41-L Canada Oil and Gas Land - Amendments	C
COGLA/89-122-I Petroleum Occupational Safety and Health - Nova Scotia	J,C	NRCan/96-3-I <i>Mobile Offshore Drilling Unit Regulations</i>	C
COGLA/89-136-I Frontier Lands Division and Minimum Area	C	NRCan/96-4-L <i>Newfoundland Offshore Area Petroleum Drilling and Production Regulations</i>	C
COGLA/91-94-I Newfoundland Offshore Area Division and Minimum Area	C	NRCan/96-5-L <i>Nova Scotia Offshore Area Petroleum Drilling and Production Regulations</i>	C
COGLA/91-95-I Nova Scotia Offshore Area Division and Minimum Area	C	Energy Demand Branch	
COGLA/89-132-L Frontier Lands Registration - Amendments	C	NRCan/94-43-M Energy Efficiency Performance Levels - Amendment 2	C
COGLA/89-133-L Newfoundland Offshore Area Registration - Amendments	C		

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NRCan/94-44-I	X	RC/96-2-M	SOR/96-26
EnerGuide Label		NAFTA Rules of Origin Regulations	SOR/96-27
NRCan/96-1-I	C	RC/96-3-I	N,C
Energy Efficiency Performance Levels - Electric Motor Definition Amendment		Valuation for Duty Regulations	
NRCan/96-2-M	SOR/95-522	RC/R-4-L	C
Energy Efficiency Performance Levels - Lamp Amendment		Drawback Claims Remission Order	
Explosives Branch		RC/R-5-L	C
EMR/93-1-I	C	Temporary Importation Remission Orders	
Explosives Regulations - Modernization		RC/R-6-L	C
Legal Surveys Division		Used Motor Vehicle Exemption Regulations	
NRCan/95-35-I	C	Excise Duties and Taxes	
Canada Lands Surveyors Regulations		RC-CE/91-485-L	SOR/95-572
EMR/92-34-I	C	Brewery Departmental Regulations	
Lands Surveys Tariff		RC/94-17-L	SOR/96-132
Public Works and Government Services Canada		Brewery Regulations	
PWGSC/94-1-L	SOR/96-193	RC/R-7-L	J
Municipal Grants Program		Distillery Regulations	
PWGSC/95-5-I	C	RC/94-21-L	N
Canadian Vickers Dry Dock Regulations		Distillery Departmental Regulations	
Revenue Canada		RC/94-23-L	N
Customs Border Services Branch		Excise Warehousing Departmental Regulations	
RC-CE/90-450-I	G-05/08/95	RC-CE/91-489-L	N
Accounting for Imported Goods and Payment of Duties Regulations - New Business Relationships		Manufacturers In Bond Departmental Regulations	
RC/R-1-L	C	RC/94-24-L	C
Accounting for Imported Goods and Payment of Duties Regulations - Release on Minimum Documentation		Manufacturers In Bond Regulations	
RC/94-11-L	X	RC/96-8-L	C
Regulations Concerning the Non-Resident Customs Accounting Program		Specially Denatured Alcohol Regulations	
Trade Administration Branch		RC-CE/91-490-L	N
RC-CE/93-8-L	SOR/96-44	Tobacco Departmental Regulations	
Duties Relief Regulations		RC/R-9-L	SOR/95-466
RC/95-2-L	X	Tobacco Regulations	
Display Goods Temporary Importation Regulations		RC/94-29-L	C
		Formula Refunds Regulations	
		RC/94-29-L	C
		Goods for Ships and Aircraft (Excise) Drawback Regulations	
		RC/94-31-L	C
		General Excise and Sales Tax Regulations	

RC/94-32-L <i>Gasoline and Aviation Gasoline Excise Tax Application Regulations</i>	C
RC/94-33-L <i>Gasoline and Aviation Gasoline Excise Tax Regulations</i>	C
RC/94-34-L <i>Small Manufacturers or Producers Exemption Regulations</i>	X
Income Tax	
RC/R-10-L Tax Deductions, Part I	SOR/96-206
RC/R-11-L Tax Information Returns, Part II	J
RC/R-12-L Elections, Part VI	SOR/96-128
RC/R-13-L Elections, Parts X, XV, and XXI	C
RC/R-14-L Tax Tables, Part XXV	X
RC/R-15-L Communication of Information, Part XXX	C
RC/R-16-L Universities Outside Canada, Schedule VIII	SOR/96-250
RC/96-17-L Instalment Base for Individuals, Part LIII	C
RC/96-18-L Registered Pension Plans - Reporting and Provision of Information, Part LXXXIV	SOR/96-127
Canada Pension Plan	
RC/R-19-L Source Deductions, Part I and Schedule I	SOR/96-161
RC/R-20-L Schedules IV to IX	J

RC/96-21-I Part IV, Regulation 35 - Refund of Overpayments	C
Unemployment Insurance	
RC/R-22-L Collection of Premiums	SOR/96-230
RC/96-23-L Part IV, Regulation 25 - Refund of Overpayments	X
Tax Rebate Discounting Act	
RC/96-24-L <i>Tax Rebate Discounting Regulations - Forms</i>	SOR/96-405
Fee Orders	
RC/R-25-I Advance Taxation Rulings Fees Order	C
RC/R-26-I Taxation Statistical Analyses and Data Processing Services Fees Order	C
RC/R-27-I Registered Charities Information Return Fee Order	C
RC/R-28-I Revenue Canada Taxation Technical Publication Subscription Service Fees Order	C
Miscellaneous	
RC/R-29-L Customs, Excise and Taxation Legislation, Regulations and Orders - Amendments	SOR/96-16 SOR/96-31 to SOR/96-36 SOR/96-41 to SOR/96-43
RC/R-30-L Delegation of Minister of National Revenue's Powers and Duties	C
RC/R-31-L <i>Miscellaneous Amendments Regulations</i>	SOR/95-150 SOR/96-151

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RC/R-32-L
Remissions under Customs, Excise or
Taxation Legislation

SOR/96-12
SOR/96-203
SOR/96-204
SI/96-44
SI/96-45

Solicitor General Canada

SGC/R-1-L

C

Transfer of Offenders Act - Schedule

SGC/94-2-I

C

Controlled Drugs and Substances Act

Correctional Services Canada

CSC/94-3-L

C

Urinalysis

CSC/96-1-L

X

*Time Restriction on Re-application by
Inmates for Transfer*

CSC/95-1-L

C

Administrative Segregation of Inmates

CSC/95-3-L

C

*Deductions from Inmates' Income for
Room and Board*

CSC/95-4-L

C

*Disposal of Goods and Services
Produced by CORCAN*

CSC/94-1-L

C

Disclosure of Information to Victims

CSC/94-7-L

C

*Corrections and Conditional Release
Regulations - Searches of Inmates*

CSC/94-4-L

C

*Interception of Inmate
Communications*

CSC/94-5-L

C

Allowances to Released Offenders

National Parole Board

NPB/96-1-L

C

*Regulations Resulting from the
Program and Agency Review*

NPB/96-2-L

SOR/96-108

Bill C-45 - Amendments

NPB/93-1-L

SOR/95-210
SI/95-59

*Corrections and Conditional Release
Regulations - Corrections and Conditional
Release Act*

NPB/93-2-L

Pardon Application Fees Regulations

SOR/95-210
SI/95-59

Royal Canadian Mounted Police

RCMP/94-1-L

C

*RCMP Regulations, 1988 - Code of
Conduct*

RCMP/93-9-L

C

*RCMP Regulations, 1988 - Political
Activity*

RCMP/95-3-L

SOR/95-571

RCMP Superannuation Regulations

RCMP/95-4-L

C

RCMP Pension Continuation Regulations

RCMP/95-5-L

C

RCMP Long Service Medal Regulations

RCMP/95-6-L

X

RCMP Cost Recovery Regulations

RCMP/96-1-L

SOR/95-514

RCMP Health and Safety Program

Transport Canada

Departmental Administration

TC/R-1-M

N

Aviation Regulatory Services - Fees

TC/R-2-M

N

Marine Regulatory Services - Fees

TC/R-3-M

SOR/96-121
SOR/96-292

*Air Services Charges Regulations and
Overflight Charges Regulations*

TC/R-4-I

transferred to
Fisheries and
Oceans

Coast Guard Radio Station Charges

TC/R-5-L

SOR/96-196
SOR/96-197

*Public Harbours and Government
Wharves Regulations - Tariff Rates*

TC/96-1-M

transferred to
Fisheries and
Oceans

Marine Services - Fees

TC/95-5-L

C

*Marine Regulatory Services -
Consolidation of Fees*

Security and Emergency Planning Group

TC/93-5-I

X

Railway Security Regulations

TC/93-6-I <i>Aerodrome Security Regulations</i>	C	TC/96-7-L <i>Canadian Aviation Regulations (CARs), Part VIII - Air Navigation Services</i>	SOR/96-433
TC/93-7-I <i>Air Carrier Security Regulations</i>	C	TC/91-563-I <i>Canadian Aviation Regulations (CARs), Part VI - General Operating and Flight Rules</i>	SOR/96-433
TC/95-9-I <i>Marine Transportation Security Regulations</i>	C as TC/97-3-I and TC/97-4-I	TC/91-564-I <i>Canadian Aviation Regulations (CARs), Part VII - Commercial Air Services</i>	SOR/96-433
Policy and Coordination Group		TC/95-32-I <i>Canadian Aviation Regulations (CARs), Part IV - Personnel Licensing and Training</i>	SOR/96-433
TC/96-2-L <i>Regulations Respecting Data Requirements</i>	SOR/96-334	TC/95-33-L <i>Canadian Aviation Regulations (CARs), Part V - Airworthiness</i>	SOR/96-433
Airports Group		TC/R-8-L <i>Airport Zoning Regulations</i>	SOR/96-133
TC/R-6-I <i>Airport Vehicle Parking Charges Regulations - Fee Changes</i>	SOR/96-79	Marine Group	
TC/R-7-I <i>Airport Ground Transportation Fees Regulations</i>	X	TC/96-8-L <i>Small Fishing Vessel Safety Regulations</i>	D,C
TC/95-27-L <i>Government Airport Concession Operations Regulations (GACORs)</i>	SOR/96-88	TC/93-47-I <i>Life-Saving Equipment Regulations</i>	SOR/96-218
TC/92-21-L <i>Airport Traffic Regulations - Administrative Amendments</i>	N	TC/93-48-L <i>Ship Station Technical Regulations - VHF</i>	SOR/96-213
Aviation Group		TC/93-59-L <i>Arctic Shipping Pollution Prevention Regulations</i>	G-15/06
TC/96-3-L <i>Canadian Aviation Regulations (CARs), Part I - General Provisions</i>	SOR/96-433	TC/95-48-L <i>Tackle Regulations</i>	J,C
TC/96-4-L <i>Canadian Aviation Regulations (CARs), Part II - Identification, Registration and Leasing of Aircraft Regulations</i>	SOR/96-433	TC/95-49-L <i>Collision Regulations - International Convention</i>	C
TC/96-5-L <i>Canadian Aviation Regulations (CARs), Part III - Aerodromes and Airports</i>	SOR/96-433	TC/95-50-L <i>Boat and Fire Drill Regulations - International Convention</i>	J,C
TC-96-6-I <i>Canadian Aviation Regulations (CARs), Subpart 303 - Aircraft Firefighting</i>	C		

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TC/R-9-L <i>Boating Restriction Regulations</i>	SOR/96-284 SOR/96-285 (transferred to Fisheries and Oceans)	TC/96-14-I <i>Motor Vehicle Safety Regulations, Standard 135: Passenger Car Brake Systems</i>	G-11/05
TC/95-51-M <i>Small Vessel Regulations - Various Amendments</i>	C (transferred to Fisheries and Oceans)	TC/96-15-I <i>Motor Vehicle Safety Regulations, Standard 905: Heavy Trailer Cargo Anchoring Devices</i>	G-05/08/95
TC/96-9-L <i>Laurentian Pilotage Authority Regulations</i>	X	TC/93-90-L <i>Motor Vehicle Safety Regulations, Standard 208: Occupant Crash Protection</i>	G-02/12/95
TC/96-10-I <i>Atlantic Pilotage Tariff Regulations</i>	C	TC/94-85-L <i>Motor Vehicle Restraint Systems Safety Regulations</i>	G-13/07
TC/91-616-L <i>General Pilotage Regulations</i>	X	TC/95-70-L <i>Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Extension of Applicability)</i>	N
TC/92-80-L <i>Pacific Pilotage Regulations</i>	X	TC/95-72-M <i>Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Automatic Brake Adjusters)</i>	SOR/96-89
TC/95-61-I <i>Pacific Pilotage Tariff Regulations</i>	SOR/96-91	TC/96-16-L <i>Transportation of Dangerous Goods Regulations - Updating Tank Standards</i>	C
TC/93-23-L <i>Pacific Pilotage Regulations - Reciprocal Exemptions</i>	C	TC/96-17-L <i>Transportation of Dangerous Goods Regulations - Updating Cylinder Standards</i>	SOR/96-547
St. Lawrence Seaway Authority		TC/96-18-L <i>Transportation of Dangerous Goods Regulations - Omnibus</i>	C
TC/95-24-L <i>Seaway Regulations</i>	G-04/11/95		
Surface Group			
TC/96-11-I <i>Railway Fencing Regulations</i>	C		
TC/95-64-L <i>Orders - Revocation</i>	C		
TC/95-65-I <i>Rail-Highway Grade Crossing Regulations</i>	C		
TC/96-12-M <i>Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Antilock Brake Systems)</i>	J		
TC/96-13-I <i>Motor Vehicle Safety Regulations, Standards 108: Lighting Equipment; 108.1: Headlamps; 123: Controls and Displays - Motorcycles; 131: School Bus Pedestrian Safety Devices; and 1201: Snowmobile Standards</i>	SOR/96-366		
		Treasury Board of Canada Secretariat	
		TBS/R-1-L <i>Assignment of Crown Debt Regulations</i>	C
		TBS/R-2-L <i>Pension Protection</i>	C
		TBS/94-13-L <i>Government Contracts Regulations - Amendment</i>	X
		TBS/93-2-L <i>Public Service Superannuation</i>	C

TBS/93-3-I	C
Public Sector Pension Reform	SOR/96-18
TBS/96-1-L	SOR/96-320
Members of Parliament Retiring Allowances	
TBS/96-2-I	C
Public Service Early Retirement Incentive	SOR/95-457 SOR/95-595 SOR/95-257 SOR/96-188
TBS/94-5-I	SOR/96-188
Interest on Overdue Accounts Regulations	
TBS/94-6-L	C
Security for Debts Due to Her Majesty Regulations	
TBS/96-3-L	J,C
Payments to Estate Regulations, 1990	
TBS/96-4-L	
Review of "Internal" Financial Management Regulations	
Accountable Advances Regulations	C
Cheque Issue Regulations	J,C
Debt Write-off Regulations, 1994	C
Destruction of Paid Instrument Regulations	J,C
Direct Deposit Regulations	J,C
Electronic Payments Regulations	J,C
Payment Requisitioning Regulations	J,C
Receipt and Deposit of Public Money Regulations	J,C
Repayment of Receipts Regulations	C
Revenue Trust Account Regulations	C

Veterans Affairs Canada

VAC/96-1-L	C
Assistance Fund (W.V.A. and C.W.A.) Regulations	
VAC/96-2-L	C
Deceased or Former Members Dependents Payment Order - Revocation	
VAC/96-3-L	N
Gallantry Awards Order	

VAC/96-4-L	C
Infant or Person of Unsound Mind Payment Order - Revocation	
VAC/96-5-L	C
Vetcraft Shops Regulations - Revocation	
VAC/96-6-L	C
Veterans Allowance Regulations	
VAC/96-7-L	C
Veterans Health Care Regulations - Housekeeping	

Atlantic Canada Opportunities Agency

ACOA/96-1-L	X
ACOA Loan Insurance	

Atomic Energy Control Board

AECB/92-4-I	X
Radiation Protection Regulations	
AECB/R-1-I	C
Uranium Mines (Ontario) - Occupational Health and Safety	
AECB/R-2-I	SOR/96-412
Cost Recovery Fees Regulations - Amendments	

Canada Mortgage and Housing Corporation

CMHC/93-1-L	X ¹
Loan Insurance and Mortgage-backed Securities	
CMHC/96-2-L	X ¹
Social Housing Portfolio	

1. These regulatory initiatives have been overtaken by proposed amendments to the *National Housing Act* and the *Canada Mortgage and Housing Corporation Act*.

Canadian Environmental Assessment Agency

EC/96-14-I	C as
Inclusion List, Part II	CEAA/97-2-I

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EC/95-20-L Projects Outside Canada	C as CEAA/97-4-L
EC/95-21-L One Project-One Assessment	C as CEAA/97-3-L
EC/95-22-L Panel Procedures (formerly <i>Procedural Regulations</i>)	C as CEAA/97-5-L
EC/91-278-M Crown Corporations and Harbour Commissions	C as CEAA/97-7-M
EC/91-283-L Offshore Boards	SOR/96-280
EC/93-30-L Minimal Federal Involvement	C under "Future initiatives"

Canadian International Trade Tribunal

CITT/96-1-L Canadian International Trade Tribunal Rules - Amendments	C
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Canadian Radio-television and Telecommunications Commission

CRTC/94-5-L <i>Radio, Television and Specialty Services Regulations</i>	G-10/08
CRTC/95-1-L Canadian Talent Development Assessment	X
CRTC/95-2-L Digital Radio	C
CRTC/96-1-L <i>Broadcast Distribution Regulations</i>	C as CRTC/97-2-M
CRTC/96-2-L Violence in Television Programming	X
CRTC/96-3-L Licence Fees	C as CRTC/97-1-I
CRTC/96-4-L Cable Distribution Access Rules	C as CRTC/97-2-M

Canadian Transportation Agency

Air and Accessible Transportation Branch

NTA/96-1-M <i>Air Transportation Regulations - Air Fares in Large Aircraft for Attendants of Persons with Disabilities</i>	C
NTA/96-2-I Terms and Conditions of Carriage in Small Aircraft of Persons with Disabilities	X
NTA/96-3-I Accessibility Standards - Persons with Disabilities - Air Transportation Equipment	X ¹
NTA/96-4-I Accessibility Standards - Persons with Disabilities - Rail Transportation Equipment	X ²
NTA/96-5-I Accessibility Standards - Persons with Disabilities - Marine Transportation Equipment	X ³
NTA/96-6-I Terms and Conditions of Carriage by Rail of Persons with Disabilities	X ⁴
NTA/96-7-L Personnel Training for the Assistance of Persons with Disabilities	N
NTA/96-8-L <i>Air Transportation Regulations - Terms and Conditions of Carriage by Air of Persons with Disabilities</i>	SOR/96-335
NTA/96-9-I <i>Air Transportation Regulations - Service Arrangements Between Air Carriers - Provision of Aircraft with Flight Crew</i>	SOR/96-335
NTA/96-10-I <i>Air Transportation Regulations - Financial Requirements on Canadian Air Carriers Proposing to use Medium and Large Aircraft</i>	SOR/96-335
NTA/96-11-I <i>Air Transportation Regulations - Review of Parts I and II</i>	SOR/96-335

NTA/96-12-I	C	NTA/96-23-L	X
<i>Air Transportation Regulations - Insurance Provisions</i>		<i>Railway Grade Separations Regulations (General Order E-5)</i>	
NTA/96-13-I	SOR/96-335	NTA/96-24-L	X
<i>Air Transportation Regulations - Addition of New Regulations Pertaining to Canada - U.S. Charter Services</i>		<i>Railway-Highway Crossing at Grade Regulations (General Order E-4)</i>	
NTA/96-14-I	SOR/96-335	NTA/96-25-L	X
<i>Air Transportation Regulations - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules</i>	C	<i>Wire Crossings and Proximities Regulations (General Order E-11)</i>	
NTA/96-15-I	SOR/96-335	NTA/96-26-L	N
<i>Air Transportation Regulations - Other Amendments</i>		<i>Railway Advance Payment Regulations</i>	
Marine, Trucking and Regional Offices Branch		NTA/R-1-I	G-13/07
NTA/96-16-L	N	<i>Railway Interswitching Rate Scale (1997) - Rate Adjustment and Amendment</i>	
<i>Northern Marine Resupply Services Regulations</i>		NTA/96-27-L	N
NTA/96-17-L	N	<i>Baggage Car Traffic Regulations</i>	
<i>Mackenzie River Area Distances Regulations</i>		NTA/96-28-L	N
Rail Branch		<i>Conditions on Passes Approval Order</i>	
NTA/96-18-I	C	NTA/96-29-L	SOR/96-338
<i>Railway Costing Regulations</i>		<i>Railway Passenger and Freight Tariff Regulations</i>	
NTA/96-19-L	X	NTA/96-30-L	N
<i>Details of Maps, Plans, Profiles, Drawings, Specifications and Books of Reference (General Order E-1)</i>		<i>Free and Reduced Rate Transportation Regulations</i>	
NTA/96-20-L	X	NTA/96-31-L	N
<i>Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)</i>		<i>Railway Free and Reduced Rate Transportation Regulations</i>	
NTA/96-21-L	X	NTA/96-32-L	X
<i>Joint Use of Polcs Regulations (General Order E-12)</i>		<i>Tolls for Use of International Bridges and Tunnels</i>	
NTA/96-22-L	X	NTA/96-33-L	N
<i>Regulations Respecting Pipe Crossings under Railways (General Order E-10)</i>		<i>Railway Traffic Liability Regulations</i>	
		NTA/96-34-I	SOR/96-337
		<i>Rail Liability Insurance Regulations</i>	
		NTA/96-35-L	N
		<i>Railway Act Fees Order</i>	
		NTA/96-36-L	N
		<i>Railway Lines Abandonment Regulations</i>	

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NTA/96-37-I C
Uniform Classification of Accounts

NTA/R-2-M X
Annual Rate Scale Order For Western
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General

NTA/96-38-I C
Cost Recovery Regulations

NTA/96-39-I C
*Designated Provisions Regulations -
Enforcement*

NTA/96-40-I C
General Rules

NTA/96-41-L N
*Asset and Revenue Determination
Regulations*

NTA/96-42-L N
Part VII Exemption Regulations

1. Draft regulations have been translated into a code-of-practice format, reviewed by the Agency's Accessibility Advisory Committee and given wide distribution for comment.

2. Draft regulations on rail car accessibility and terms and conditions of carriage by rail of passengers with disabilities have been reviewed by the Agency's Accessibility Advisory Committee. They will be combined, translated into a code-of-practice format and given wide distribution for comment.

3. Draft regulations have been translated into a code-of-practice format and distributed to the Agency's Accessibility Advisory Committee and the affected operators for review.

4. See footnote 2.

Copyright Board Canada

CBC/90-690-L C
Rules of Practice and Procedure

CBC/91-673-L C
Regulation on the Deadline for Filing
Claims Concerning Rights arising from
the Retransmission of Work whose
Owner is not represented by a
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Hazardous Materials Information Review Commission Canada

HMIRC/92-1-L D,C under
*Appeal Board Procedures Regulations -
Fee Reduction* "Future
initiatives"

HMIRC/91-678-L D,C under
*Hazardous Materials Information Review
Regulations - General Amendments* "Future
initiatives"

Immigration and Refugee Board

IRB/94-1-L J
Convention Refugee Determination
Division Rules - Amendment

IRB/96-1-L J
Convention Refugee Determination
Division Rules - Quorum

IRB/96-2-L C
Convention Refugee Determination
Division Rules - Determination
Process

IRB/94-2-L C
Immigration Appeal Division Rules -
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IRB/96-3-L J
Immigration Appeal Division Rules

IRB/94-3-L C
Adjudication Division Rules -
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National Capital Commission

NCC/96-1-L J,C
*National Capital Commission Property
Regulations*

NCC/96-2-L X
*National Capital Commission Contract
Regulations*

National Energy Board

NEB/88-917-L J,C
Cost Recovery Regulations

NEB/88-919-L C
Onshore Pipeline Regulations

NEB/90-700-L SOR/95-500
*Regulations Pertaining to Crossings
Involving International Power Lines*

NEB/90-699-L <i>Electricity Regulations</i>	G-08/06
NEB/93-3-L <i>Pipeline Crossing Regulations</i>	
Part I	SOR/95-704
Part II	SOR/95-534
NEB/89-901-L	SOR/96-243
<i>National Energy Board Regulations, Part VI</i>	SOR/96-244
NEB/89-898-L	SOR/95-563
<i>Export and Import Reporting Regulations</i>	
INAC/88-586-I	SOR/96-114
<i>Canada Certificate of Fitness Regulations</i>	
INAC/92-27-I	G-14/05/94
<i>Canada Oil and Gas Diving Regulations</i>	G-28/10/95
COGLA/90-88-I	SOR/96-116
<i>Canada Oil and Gas Drilling Regulations</i>	
INAC/87-482-I	SOR/96-117
<i>Canada Oil and Gas Geophysical Operations Regulations</i>	
INAC/87-484-I	SOR/96-118
<i>Canada Oil and Gas Installations Regulations</i>	
COGLA/91-100-I	C
<i>Canada Oil and Gas Operations Regulations</i>	
INAC/87-483-I	SOR/96-115
<i>Canada Oil and Gas Production and Conservation Regulations</i>	
IAND/94-36-I	SOR/95-123
<i>Canada Oil and Gas Spill and Debris Liability Regulations</i>	
IAND/94-39-I	C
<i>Canada Oil and Gas Installation Manager Regulations</i>	

Office of the Chief Electoral Officer

OCEO/R-1-M Tariffs of Fees	
Federal Election Fees Tariff	SOR/96-109

Office of the Superintendent of Financial Institutions

OSFI/92-1-M Financial Sector Reform	
Form of proxy	C
Insider reports	C
Insurance activities	G-27/05/95
Credit information	G-27/05/95
Minority investments	X
Related-party transactions	SOR/96-274 to SOR/96-277
OSFI/93-4-I	X
Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments	
OSFI/93-5-I Investment Valuation Rules for Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriations of Capital	
Capital Gains treatment on realization of security	X
Appropriations of capital	X
OSFI/95-2-I <i>Pension Benefits Standards Regulations, 1985</i>	
Information returns	C
Canadian Institute of Actuaries valuation standards	D
Distribution of assets from wound-up plans	C
OSFI/95-3-I Assessment of Expenses Against Supervised Financial Institutions	
Assessment of financial institutions regulations, 1995	SOR/96-365
Recovery of expenses incurred in respect of Confederation Life Insurance Company	D
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<i>Assets (Foreign Companies) Regulations</i>	

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OSFI/96-2-L <i>Pension Benefits Standards Regulations, 1985 - Unlocking of Locked-in RRSPs and LIFs of Non-residents</i>	C
OSFI/96-3-I <i>Pension Benefits Standards Regulations, 1985 - Exemptions</i>	C
OSFI/96-4-L <i>Pension Benefits Standards Regulations, 1985 - Life Income Funds</i>	SOR/95-351
OSFI/96-5-L Orders - Administrative Agreements	X
OSFI/R-6-I Orders - Financial Institutions Legislation	C
OSFI/96-6-I Supervision of Financial Institutions - Miscellaneous Amendments	X

RCMP External Review Committee

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